UMATILLA COUNTY

COMPREHENSIVE PLAN

UMATILLA COUNTY
est. 1862

1983, Amended

Revision Date: October 21, 2026

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UMATILLA COUNTY
COMPREHENSIVE PLAN

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UMATILLA COUNTY PLANNING DEPARTMENT
COURTHOUSE, PENDLETON, OREGON 97801

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Chapter 1. HISTORY AND SETTLEMENT

The first scattered white settlements in Umatilla County were largely stimulated by the westward overland expeditions in the early 1800's. Two early attempts to establish settlements in Umatilla County, one a Roman Catholic Mission on the Umatilla River above Pendleton in 1847, the other an Indian agency opposite the present town of Echo in 1851, were unsuccessful because of Indian wars. Following the two-year Indian war a number of settlers located along the Umatilla River between the present sites of Pendleton and Echo to raise cattle.
In 1855 the United States Government reached a treaty with area Indian tribes which set aside a reservation in this county for their settlement. By 1856 the Cayuse, Walla Walla and Umatilla Indians had moved onto the reservation and still reside there today.[1]

In 1858 additional families settled in the Milton-Freewater and Pendleton vicinity. These early settlements were located to provide services to travelers. The first was located a mile and one-half below Pendleton where the road from the Dalles to Walla Walla crossed the Umatilla River. It was variously known as Marshall's Station, Middleton, and finally Swift's. The second, known as Cole's Crossing, was a hotel on the Tum-a-lum River (now called the Walla Walla River), three miles from Milton where the Dalles Road crossed the Walla Walla River.

The rush of miners to Idaho in 1861 and to the Baker area in 1862 led to further occupation of choice spots along the river bottoms. These areas were established for two reasons: first, to provide hotels or stations along the routes of travel where they crossed the various streams; and second, to raise crops and livestock to supply the mining centers.
At the time Umatilla County was created by the state legislature in 1862, there was no regular town within its boundaries. A short time later an effort was made to start a town on the Columbia River where goods for Powder River could be landed and forwarded to their destination saving time and distance over the Walla Walla route. The site as eventually established just above the mouth of the Umatilla River was named both Umatilla Landing and Umatilla City. Additional mining discoveries gave an impetus to Umatilla, and in a few months what had been a wide waste of sand became a busy, thriving city.[1]

By 1868 the mining industry began to decline. However, the agricultural section of the County was continually increasing in wealth and population. It had been discovered that the hills along the base of the Blue Mountains were extremely productive for grain, and thousands of acres were being cultivated. Also, large herds of cattle and flocks of sheep were thriving on the lush rangelands sustaining grasses which were said to have touched a horseman's stirrups.[2]

Another early industry was logging. Mining in the 1860's provided the necessary market, both at the mines and in the community. This promoted the establishment of sawmills, and by 1900 there were several in the county. The industry was reasonably stable until the late 1930's when there was a general expansion which has since fluctuated.
Irrigation began in the late 1800's near the streams, and alfalfa was introduced as a hay crop. Irrigation water supplies were

increased by the completion of the Cold Spring Reservoir in 1908 and the McKay Reservoir in 1926.[3] Several other irrigation projects were also completed north of Milton-Freewater and in the Umapine area during this period. Circle irrigation, in recent history, increased productivity and crop diversity in the West County.

Other agricultural development playing a significant role in the historic, economic, and social development of the county that occurred after 1900 were fruit orchards and associated food processing facilities north of Milton-Freewater, the growing of peas in the higher rainfall areas east of Pendleton, and turkey raising and dairying in Central and West Umatilla County.

Besides Umatilla, other city development started in 1868 when an election to decide a location for the county seat resulted in Pendleton being chosen. The city grew rapidly after that and became the dominant city in Umatilla County. The other ten cities of the County were established after 1868; the latest one, Ukiah, incorporated in 1972.[1] Also, small rural centers such as Umapine, Rieth, and Meacham sprung up serving its residents with local goods and services. Nearly all of Umatilla County's towns and rural centers were established as service centers for the surrounding farms, ranches and mountain communities. The degree of population in any one community was a measure of its resources and of the advantages of its location as compared with its competitors. Often this growth occurred haphazardly, especially during boom and bust periods. Temporary, substandard housing was constructed; demolition of these temporary units is still not complete. [4] Since 1970 some portions of Umatilla County have again ballooned with growth. Major expansions in irrigated agriculture have led to the establishment of several major food processing industries and other spinoff service facilities in West Umatilla County. Employment opportunities have increased tremendously along with "unprecedented" population growth. Population increases have also occurred in the Milton-Freewater and Pendleton areas.

The time of trial and error, boom and bust, has passed; this document reflects the citizenry's planning direction for future growth.

Chapter 2. GENERAL DESCRIPTION OF UMATILLA COUNTY

Umatilla County covers an area of 3,231 miles (2,062,080 acres) and has a population of 60,000. Major population centers are: Pendleton (County seat), population 14,550; Hermiston, population 9,630; Milton-Freewater population 5,415; Pilot Rock, population 1,640; Stanfield, population 1,620; Athena, population 955; Umatilla, population 2,999; Weston, population 705; Echo, population 610; Adams, population 235; Helix, population 155; and Ukiah, population 265.[5]

Revised Based on Comments from Cities •
Recognized November 3, 1999

	1998	2000	2005	2010	2015	2020	Difference	AARG
Original Forecast	67,100	69,854	72,870	75,869	78,936	81,964	14,864	0.9%
Forecast Adjusted for Economic Factors	67,100	70,490	75,620	78,730	81,910	85,050	17,950	1.1%
Forecast with TRCI Inmates	67,100	72,090	77,220	80,330	83,510	86,650	19,550	1.2%
Adams	275	278	289	299	309	320.	45	0.7%
Athena	1,200	1,224	1,286	1350	1,418	1;490	290	1.0%
Echo	640	670	730	750	765	770	130	0.8%
Helix	190	193	199	206	213	220	30	0.7%
Hermiston	11,595	12,205	14,255	15755	17,170	18,520	6,925	2.2%
Milton-Freewater	6,500	6,960	7,660	8010	8,370	8,815	. 2,315	1.4%
Pendleton	16,915	17,251	18,120	19033	19,993	21,000	4,085	1.0%
Pilot Rock	1,640	1,650	1,660	1,670	1,680	1,690	50	0.1%
Stanfield	1,820	1,901	2,196	2,360	2,540	2,720	900	1.8%
Ukiah	245	247	251	256	260	265	20	0.4%
Umatilla without TRCI Inmates	3,515	3,720	4,543	5240	5,970	6,620	3,105	2.9%
Umatilla with TRCI Inmates		4,200	6,293	7,030	7,840	8,220	5,210	3.9%
Weston	690	693.	699	.706	713	720	30	0.2%
Sum of Incorporated Cities	45,225	46,991	51,888	55,636	59,401	63,150	17,925	1.5%
Rural portions of Umatilla County	21,875	23,499	23,732	23,094	22,509	21,900	25	0.0%
Total Population						85,050		
Total Population with TRCI Impacts						86,650		

Table 2-1 – Population Forecasts 1998-2020, Umatilla County and Incorporated Cities.

The predominate climate of Umatilla County is temperate and semi-arid, characterized by low annual precipitation, low winter temperatures, and high summer temperatures. Strong winds from the west and southwest occur throughout the year. Annual precipitation varies from 55 inches in the Blue Mountains to less than 10 inches near the Columbia River. The average annual precipitation at Pendleton is 12.38 inches. The mean annual snowfall is 157 inches at Meacham and 19 inches at Pendleton. County mean annual temperatures vary form 43 F at Meacham to 53 F at Hermiston. Recorded temperature extremes at Pendleton vary from 122F to +110F. The frost free growing season varies from 30 days at high elevations to 200 days near the Columbia River. At Pendleton the growing season is about 160 days and the growing season in the Milton-Freewater area is 190 days.[6]

The principal topographic features of Umatilla County are the Umatilla Plain and the Blue Mountains. The Umatilla Plain is level to undulating or gently rolling. It is bounded by the Blue Mountains on the south and east and the Columbia River on the northwest. The plain is divided in the central part by the northeasterly-trending crest of the Rieth anticline (or arch) which forms the division between the Pendleton plain in the east and the Umatilla lowland on the west.[4] The Pendleton Plain slopes gently to the northwest with elevations of 1200 to 2000 feet. Oh the plain is the Agency Syncline (or trough) whose axis trends southwest form Athena to the vicinity of Pilot Rock. The remaining part is gently rolling with elevations ranging from 1300 to 2100 feet.

The Umatilla lowland is a gently sloping surface to the northwest, broken by the remnants of the Service Anticline, the Service Buttes, Emigrant Buttes, Hermiston Buttes and the Umatilla Buttes. It is slightly dissected and has gently rolling topography. It rises from an elevation of about 250 feet near Umatilla to about 1200 feet at the foot of the Blue Mountain's slope and the crest of the Rieth Ridge.[4]

The Blue Mountain's highland is a nearly horizontal, platform-like crest of a broad anticline. The elevation ranges from 3500 feet at Cabbage Hill to more than 5000 feet at Huckleberry Mountain. The area has been eroded by subsequent streams, creating steep walled canyons with narrow bottoms.

The Blue Mountain's slope is a gentle, ramp-like descent down to the lowlands of the Umatilla Plain. This area descends from the highland area to an elevation of 2000 feet at its eastern edge. It is approximately 15 miles wide east of Athena, five miles wide from Emigrant Hill to Battle Mountain, and 25 miles wide from Battle Mountain to the edge of the basin.[4]

Umatilla County is served by two major drainage basins. The major portion of the County lies in the Umatilla Drainage Basin, while the southern tip, or approximately the area lying south of the Battle Mountain State Park, lies in the John Day Drainage Basin.[4]

All waters of Umatilla County drain into the Columbia River, and nearly all have a well developed natural drainage system. The Umatilla River, together with its tributaries, forms a dendritic (tree-shaped) stream system that drains most of the County. The Walla Walla River, which flows into the state of Washington, forms the drainage outlet for about 470 square miles in the northeast. The North Fork of the John Day River drains the southern part of the County.[4]

The majority of soils in the County are

derived from transported materials. At lower elevations on the west, the soil material is glacial in origin. In higher elevations of the Palouse area, wind lain soils (loess), associated with later deposits of white volcanic ash are found in small pockets on northerly exposures and in large areas in the Blue Mountains. The Blue Mountains and their foot slopes have soils partially developed from underlying rock. Alluvial soils from the uplands are found along streams.[4] (See Technical Report for more detailed explanation of soil characteristics).

The County's primary economic activities are agriculture, manufacturing, forest industries, construction, retail trade and transportation. Opportunities for economic growth and diversification are enhanced by quantities of reasonably priced land, high quality air shed characteristics, major energy transmission facilities, and good national/international transportation linkages.

Chapter 3. WHY A COMPREHENSIVE PLAN?

Daily, decisions are made and actions taken which in varying degrees affect our physical, social, and economic environment. Are those decisions and actions the most advantageous for the overall community? Not necessarily; natural resources have been misused and depleted, public facilities and utilities over-extended, employment opportunities adversely affected, housing units too few or too many, and many other commitments of our lands, labor and capital ill advisably made.

Planning seeks to identify and recommend solutions to these many problems. The Comprehensive Plan is intended to identify the character of growth and change in Umatilla County and provide the basis for coordinated public and private action to guide this growth. It seeks to insure that decisions related to land use are consistent with policies expressed through the public planning process.

The Oregon Legislature has also recognized the importance of land use planning to accommodate change and growth in an orderly manner. That body has charged local government with the responsibilities of developing, adopting, and implementing comprehensive land use plans.

In 1973 the State Legislature created through ORS 197 (Senate Bill 100) the Land Conservation and Development Commission (LCDC) and directed each city and county in the state to prepare and adopt comprehensive plans consistent statewide planning goals. On December 27, 1974, the LCDC adopted fourteen statewide planning goals. Summarized as they relate to this Country, they are:

1. CITIZEN INVOLVEMENT - To develop a citizen involvement program that insures the opportunity for all citizens to be involved in all phases of the Planning process.

2. LAND USE PLANNING - To establish a land use planning process and policy framework as a basis for all decisions and action related to use of land and to assure an adequate factual base for such decisions and actions.

3. AGRICULTURAL LANDS - To preserve and maintain agricultural lands.

4. FOREST LANDS - To conserve forest lands for forest uses.

5. OPEN SPACES, SCENIC AND HISTORIC AREAS, AND NATURAL RESOURCES - To conserve open space and protect natural and scenic resources.

6. AIR, WATER, AND LAND RESOURCES QUALITY - To maintain and improve the quality of the air, water and land resources of the County.

7. AREAS SUBJECT TO NATURAL DISASTERS AND HAZARDS - To protect life and property form natural disasters and hazards.

8. RECREATIONAL NEEDS - To satisfy the recreational needs of the citizens of the county and visitors.

9. ECONOMY OF THE STATE - To diversify and improve the economy of the County.

10. HOUSING - To provide for housing needs of citizens of the county.

11. PUBLIC FACILITIES AND SERVICES - To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

12. TRANSPORTATION - To provide and encourage a sage, convenient and economic transportation system.

13. ENERGY CONSERVATION - To conserve energy.

14. URBANIZATION - To provide for an orderly and efficient transition from rural to urban land use.

Finally, Oregon courts have firmly established the comprehensive plan as the controlling land use document with which all local government actions affecting land use must be consistent. Consequently, all local land use ordinances such as zoning and subdivision ordinances and other actions such as city annexations must now be administered in accordance with the comprehensive plan. Therefore, it is imperative that the plan reflects the current perception of the future needs and desires of the citizens it serves. ORS Chapter 197 defines the comprehensive plan as:

"A generalized, coordinated land-use map and policy statement of the governing body of a state agency, city, county or special district that inter-relates all functional and natural systems and activities related to the use of lands, including but not limited to sewer and water systems, transportation systems, educational systems, recreational facilities, and natural resources and air and water quality management programs."

The term "general nature" means a summary of policies and proposals in broad categories and does not necessarily indicate specific locations of any area, activity or use. A plan is "coordinated" when the needs of all levels of governments, semi-public and private agencies and the cities of Oregon have been considered and accommodated as much as possible. The term "land" includes water, both surface and subsurface, and the air. It should be noted that this definition includes coordination of the plan. Umatilla County encompasses 2,062,080 acres, of which approximately 25% is controlled by other government entities (e.g. Umatilla Indian Reservation, and the Umatilla and Wallowa-Whitman National Forest.)

Activities on these lands can directly affect the County jurisdiction - as may County actions impact those lands. To maximize the effectiveness of this Plan, on-going County coordination with these various governmental entities becomes an obvious necessity. Formal implementing agreements with all cities and special districts will also require a continuing County coordination effort.

(Ord. 2014-06, passed July 2, 2014)

FINDINGS, POLICIES, PLAN ELEMENTS

Chapter 4. THE PLANNING PROCESS

The planning process is comprised of a sequence of steps beginning with formulation of public goals, inventory and land related resources, and allocation of those resources through implementation procedures to attain the goals. Stated another way —what does the population want to have happen? What are the resources considered? And how can those resources best be managed to accomplish the desired future?

That is not to say that today's planning commits the County to rigid future growth patterns. Because public values change, resource demands vary and technology advances, comprehensive planning must be viewed as an on-going process. Recognizing that fact, this plan shall be reviewed at least every two years. This periodic review and refinement of the plan will involve the citizens of the area. Upon review, the County Planning Commission will hold public meetings to hear citizen's comments and make recommendations to the County Board of Commissioners. Board of Commissioners' actions will also be at public meetings with any resulting amendments enacted by ordinance.

For better understanding and use, the Plan has been arranged in an order reflecting elements basic to land use planning. Within each element is a descriptive statement followed by findings indicating the present situation, and recommendations directed toward achieving the pertinent goal.

Recommendations, when adopted by the Board of County Commissioners, will become policy statements governing future land use activities.

The text is written in concise terms with detailed technical data analysis supporting plan findings included in the Technical Report. Both the text and technical Report are arranged goal by goal to facilitate reference use. One exception to this arrangement is the inclusion of findings and recommendations generated by the citizen task force on the County economy. Readers interested only in specific goals should be aware that supporting data may be found within the Technical Report in the above-described sequence and/or in the economic analysis section. The Plan Maps included in the back pocket of the text show land use designations and list goal findings and policies.

Maps reflecting various aspects of the County have been developed at scales appropriate to the depicted subject. In some instances, the detailed requirements of rapidly growing areas in the West County and near other urban centers as well as developed rural areas like Tollgate-Meacham, and the Orchards District necessitates mapping at enlarged scales.

Because the terms "Orchards District," "West County," "Central," "South," and "East-Northeast County" are used often throughout the Plan, the reader is referred to the County Location Map on the following page for area locales.

A number of items not definitely addressed in the plan have been isolated out and will be acted upon and incorporated into this

document as information becomes available. Yet-to-be established data and resulting policies include:

1. Groundwater availabilities and the necessary policies for economic farm productivity and rural development intensities;

2. Capacity area to safely assimilate cumulative effects of subsurface sewage disposal and establishment of appropriate land use density levels; (3) Intermodal transportation networks and programs to implement and maintain those purposes;

3. Aggregate/mineral deposits locations and open space designations to preserve future extraction opportunities; and (5) County-wide soil/land surface characteristics indicative of building limitations.

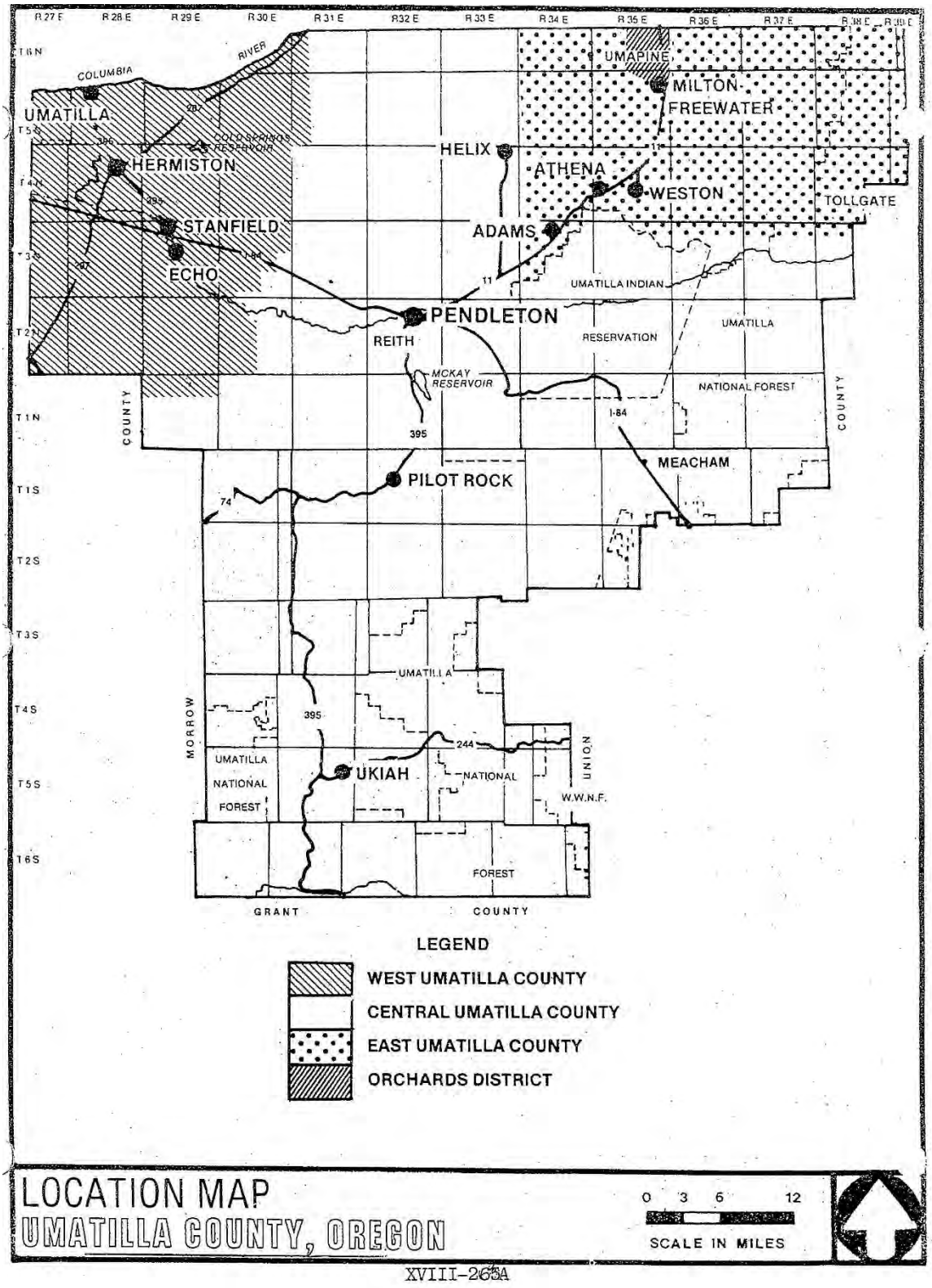
Under separate cover is a Development Standards Ordinance for implementation of recommended policies. Development standards outline those specific measures such as zoning, subdivision and capital improvement programs designed to implement the policies expressed within this document.

In some instances, this Plan may change land-use designations and/or implement zoning in a way which reduces the true cash value of specific lands. In such cases ORS 308.2 05 states:

"Section 1. (1) If the assessed value of any real property is reduced by reason of the adoption of or a change in the comprehensive plan, zoning ordinance or zoning designation for such property not at the request of the owner, the owner on the date of the adoption or change may file a claim shall be filed on or before April 1 of any year, but assessment year for which the assessed value was so reduced. The claim shall be on forms furnished by the assessor and approved by the Department of Revenue.

(2) The assessor shall compute the difference in assessed value attributable to such reduction, between the assessed value of the property as of the January 1 assessment date for which the assessed value was so reduced, and the assessed value as of the January 1 immediately prior to such reduction. Beginning in the year in which the claim is filed and for four consecutive years thereafter, the assessor shall reduce the true cash value of the real property so affected by an amount equal to the difference in value so computed. In no case shall the true cash value be reduced below zero. The assessor shall notify the person in whose name the property is assessed of the amount of the reduction in value and of the approximate dollar amount of tax reduction, based upon the tax rate extended against the property on the last tax toll. The notice shall be mailed to the address of the person as indicated on the claim for exemption."

Briefly stated, landowners who experience a reduction in land value resulting from County adoption and/or amendment of this Plan and implementing ordinances will, as compensation, be notified by the County Assessor of the opportunity to file for future property tax reductions.



XVIII-265A

Map 4-1 – Location Map, Umatilla County, Oregon (IV-2A), (XVIII-265A)

FINDINGS	RECOMMENDED POLICY
1. New information will develop and attitudes will change during the life of this plan.	1. Evaluate plan and implementing measures every two years, and where significant changes affect policies, initiate the amendment process.
2. Under present laws County jurisdiction over unincorporated orated urbanizing lands cannot be transferred to cities.	2. Cities' plans for unincorporated urbanizable areas are by reference part of this plan.
3. Public comments show that better consideration and cooperation between the US Forest Service, Umatilla Confederate Tribes, and Umatilla County is needed particularly as they relate to proposed restrictive use on fee lands within and surrounding the Indian Reservation and timber management practices as it affects watershed quantities and qualities.	3. Work with both US Forest Service, and Confederated Tribes to reach mutually beneficial resource and land use planning policies for all lands within Umatilla County.
4. Soil survey inventories are in various stages of completion.	4. As information becomes available incorporate new findings during biennial review of plan.
5. Resource decisions and actions upon public lands in the county have and will continue to have major effects on the economic, social and natural environment of the county.	5. Umatilla County will encourage the efficient management of lands owned by the U.S. Forest Service and Confederated Tribes of the Umatilla Indian Reservation. The County will also request timely state/federal agencies notice of large scale activities (e.g. mining and timber removal projects) to control off-site adverse impacts on county citizens, services, and facilities.
6. Other public agencies (e.g. state, federal, county, special district, city) have jurisdiction and/or management responsibilities for land in the County. Also, some public agencies have responsibilities to monitor projects upon entities beyond Umatilla County boundaries. These agencies'	6. To insure public agency involvement, the County will endeavor to notify affected agencies through the processes outlined in the Comprehensive Plan and Development Code.

involvement in the development impacts of County land use planning process is necessary to assure a more coordinated and functional comprehensive plan.	
7. During the revision and adoption of new land use plans and ordinances, there are development plans and agreements entered into that may not agree with the new policies and regulations of can impose hardship and delays upon development plans or agreements.	7. A pre-existing status shall be granted to valid subdivisions, partitions, conditional uses and variances with at least preliminary County approval and for buildings with at least an issued, valid zoning permit at the time of the plan adoption by the Board of County Commissioners.
8. In the future, some of the abundant farm, forest or other resource land in the county may be needed for non-resource uses.	8. Conversion of resource lands to non-resource uses shall follow procedures for plan amendments and Section 19a, Chapter 827 of Oregon Laws.
9. Lands that do not meet the Statewide Planning Goal 3 definition of "agricultural land" my be designated as Non-Resource (NR) lands.	9. Conversion of resource lands (agricultural) to a non-resource designation shall follow procedures described in the Plan Map Section for Non-Resource lands. Umatilla County will not permit lands designated as Non-Resource to be converted to another designation that would allow a more intense level of use.
10. Some policies of this plan apply to specific tax lots or portions thereof.	10. Plan policies which apply to specific tax lots or portions thereof shall be referenced upon the appropriate official zoning map (s) These plan policies shall take precedence over the base zone and any overlay zone. The purpose of this requirement is to insure that specific plan policies are recognized and accounted for in any land use action.

Chapter 5. CITIZEN INVOLVEMENT

Communities are composed of three basic elements: the natural environment, the constructed or man-made infrastructure and buildings, and people. Traditionally, community planning has concentrated on physical arrangement of land uses with little regard for the socio-economic effects on people. For planning to be comprehensive and realistic, the people must have opportunities for input into their own community development plans.

As just indicated, the planning process involves a complex balancing of environmental, social, economic and political issues. The citizenry must be informed and knowledgeable of the planning process. Through informed public participation in planning decisions the local jurisdiction can develop comprehensive plans which are responsive to both the general public and multitude of interest groups.

Some areas of Umatilla County are growing dramatically. It is therefore essential that its citizens be afforded continuing opportunity to influence how this growth should take place, where it logically should be located, and how environmental and socioeconomic trade-offs should be decided.

Recognizing the importance of citizen involvement in the land planning process, and also in keeping with the intent of the state citizen involvement goal, the Umatilla County Board of Commissioners initiated programs and processes to help insure representative citizen participation in Umatilla County. Detailed documentation of these events is on file at the Umatilla County Planning Department. Brief accounts of these efforts include the following:

1. Initial County planning programs in 1971 were extensive, comprehensive, and involved many hours of citizen meetings and participation. As a result, the present County Comprehensive Plan and Zoning Ordinance were adopted in 1972. This tremendous citizen involvement was, and still is, considered valuable, with present citizen involvement deemed an extension of that program;

2. In the fall of 1975, the Umatilla County Planning Commission was designated by the County Board of Commissioners as the official Committee for Citizen Involvement to assist the County Board of Commissioners in developing and evaluating citizen involvement programs;

3. A citizen involvement program was adopted in March of 1976 which formed three regional planning districts, each consisting of its own citizen's advisory committee, and each responsible for overseeing the planning programs to be initiated within their respective regions;

4. The first planning district initiated and first citizen advisory committee formed was in West Umatilla County. The West End Citizen's Advisory Committee appointed in February of 1976 developed, and caused to be adopted, two needed comprehensive plan map amendments, but following that disbanded due to misunderstandings about membership roles and responsibilities, geographic representation deficiencies, and lack of technical guidance and assistance;

5. A second West County citizen involvement committee was formed in March of 1977 representing broader community interests, geographic regions and clearer responsibilities. Meeting 18 times over a 10-month time period, they reviewed data inventories, solicited citizen comments and reviewed goals and policies suggested for incorporation into a West County Framework Plan;

6. A 18-member agricultural subcommittee was selected to assist the West County Citizen Advisory Committee, identify agricultural land, and provide additional valuable citizen input;

7. A community attitude survey was conducted as well as an educational fair and a county fair booth display to help determine citizens' needs, opinions, and concerns, and provide educational information to enable citizen understanding of planning issues and processes;

8. Additional citizen input on the West County Framework Plan was encouraged at three community workshops, three special task force meetings, and four Planning Commission and Board of Commissioner's public hearings;

9. All county citizen advisory group meetings, Planning Commission meetings, and Board of Commissioners' meetings and hearings were open to the public, were advertised by either legal notice, newspaper releases or posted fliers, and were made available or published well in advance to allow adequate public review;

10. Draft copies of the West County Framework Plan were distributed to a limited number of citizens, affected local governments and special taxing districts; also, display drafts were offered at public offices to encourage general public review;

11. An extensive citizen involvement process was conducted to recommend overall economic development policies and programs for the County. Diverse citizen representation was encouraged to insure consideration of each major facet of the area's economy;

12. To insure a more representative citizen's involvement program for County residents, a County-wide committee for public participation was formed in June of 1977 (replacing the County Planning Commission's responsibility delegated in 1975) to oversee, evaluate and recommend improvements for all existing and future citizen involvement committees and programs;

13. The Orchards District Citizens Advisory Committee met numerous times over a period of one year to formulate a revised comprehensive plan and rezoning for orchard, rural residential lands, and highway commercial areas north of Milton-Freewater. Their efforts resulted in correction of inconsistencies between plan, zoning, and state goals; also, preservation of valuable orchard and other farmlands, and establishment of special Exclusive Farm Use zones.

14. During October of 1979, public meetings were held in Weston and Meacham to inform people on how statewide planning goals affect the County's mountainous region, and to discuss possible land use alternatives.

15. In early 1981, the County Planning Staff

presented a draft proposal for the County's mountainous areas to the County Planning Commission. During public review of the draft proposal, it became evident that, in several mountain regions, citizen and property owners desired a local citizen's involvement committee for their areas.

16. In late February of 1981, the County Planning Commission approved the idea of a citizen's committee to study the Tollgate area. This committee was to be made up of citizens who were contacted and organized by the Planning Commission members from the Milton-Freewater area. This committee met numerous times between May of 1981 and February of 1982. With the help of the County Planning Staff, a development strategy was developed through the use of a survey and local knowledge of the area from the committee members. A draft proposal was presented to the Planning Commission in February of 1982.

17. In December of 1981, the Planning Commission approved the concept of a second citizen's group to study the area between Meacham and Ukiah. This group organized itself in late March and met five times between March and September of 1982. In September, a proposal recommending land use strategies was presented to the County Planning Staff for inclusion into the Comprehensive Plan.

18. From October, 1982, through February, 1983, the Planning Commission held 33 regional workshop meetings and public hearings on the final draft of the Comprehensive Plan and Zoning Ordinance. The Commission used a "comment sheet" format to elicit testimony from the public. Over 80 such comment sheets were received from the public and from various agencies and organizations. The Commission addressed each comment individually and provided written responses to the commenters. An opportunity was given for the commenters to respond to the Commission's decisions at several public meetings. The procedure called for the Board of Commissioners to also review each comment sheet and to affirm or change the Planning Commission's action. Commenters were then notified in writing of the Board's final action on their testimony.

    Oral testimony and letters were also received by the Planning Commission and acted upon at public meetings and hearings.

    After thorough review and discussion of the issues, the Planning Commission adopted and forwarded to the Board of Commissioners its recommended final draft of the Comprehensive Plan and Development Ordinance on March 15, 1983. The recommended draft plan did not include the rural residential portions of the county. These areas were to be addressed by the Planning Commission and recommendations made to the Board during the summer 1983.

    The Board of Commissioners held its own series of public hearings in April and May again using the "comment sheet" format. The Board officially adopted the Plan and Development Ordinance on May 9, 1983, and forwarded them to DLCD/LCDC for review.

19. During July and August of 1983 the Planning Commission completed work

and held hearings on those portions of the Plan and Ordinance not adopted in May, comprising mostly with rural residential areas around Pendleton, Hermiston, Milton-Freewater, Pilot Rock, and Echo. After five public hearings and a number of workshops, the Planning Commission adopted recommendations for the Board on August 4, 1983.

The Board held public hearings on August 23, 24, 25, 26, 29, 1983, and adopted the Plan and Ordinance amendments on August 29, 1983.

20. DLCD issued reviews of Plan on October 26, 1983, November 16, 1983, and February 21, 1984, with a number of "In Order To Comply" requirements. The County received deadlines of July 1, 1984, and September 14, 1984, for completion of various portions of the Plan.

21. After much additional work and a number of workshops and public hearings, the Planning Commission and Board adopted Plan and Ordinance revisions on June 27, 1984, for a majority of the county area. Then on September 6, 1984, they adopted Plan and Ordinance revisions for the remaining (mainly rural residential) areas of the county. Ordinance #84-6 readopted the Comprehensive Plan and Development Ordinance in total.

22. DLCD issued a staff report on the latest County revisions on February 21, 1985, with additional "In Order To Comply" statements. The Planning Commission and Board of Commissioners held a number of joint work sessions and public meetings, including a meeting with LCDC Chairman Stafford Hansell and DLCD Director James Ross. The Planning Commission Chairman, Clinton Reeder, and the County Planning Department staff also met several times with DLCD staff members to work out problems.

    On May 21, 1985, the Planning Commission and Board held a joint final public hearing on revisions developed to address the additional IOTC statements. On May 22, 1985, the Board considered the Planning Commission recommendation, but referred the matter back to the Planning Commission for a more detailed recommendation.

    On June 11, 1985, the Planning Commission met again and developed a more detailed recommendation. On June 12, 1985, the Board adopted revisions to the September 6, 1984 Plan and Development Ordinance.

23. DLCD reviewed these changes on October 10, 1985. They issued another staff report which listed eight additional but minor required changes. The report recommended LCDC acknowledgement with "delayed signing" until the required changes were made. On October 24, 1985, LCDC accepted the staff report and acknowledged the Umatilla County Comprehensive Plan under "delayed signing" provisions.

    The County Planning Commission and Board of Commissioners held a joint public hearing on November 6, 1985, and adopted the changes required by LCDC as Ordinance Number 85-10. The County received confirmation of acknowledgement from DLCD Director James Ross on November 21, 1985.

FINDINGS	RECOMMENDED POLICY
1. Land use planning affects people, and people are vital to land planning formulation and implementation.	1. Provide information to the public on planning issues and programs, and encourage continuing citizen input to planning efforts.
2. The County relies upon citizen committees for review and advice on planning issues.	2. Continue appointing special committees to assist the Planning Commission and Board of Commissioners' planning deliberations.
3. The County is made up of different geographical, economical, and social units with different needs and desires.	3. The County will, when revising and updating the Plan, appoint area citizen committee with members representing the broadest possible interest and concerns to take advantage of their valuable information and knowledge.
4. Request for modifications of the plan and implementing measures are possible indicators of changing local situations.	4. The Planning Commission, in considering major biennial plan and implementing measures revision, will consider cumulative effects of individual input requests as a public factor.
5. Residents of unincorporated urbanizable lands are affected by both city and County land use decisions.	5. Through appropriate media, encourage those County residents' participation during both city and County deliberation proceedings.

NOTE: See Technical Report, Section A, for background data.

Chapter 6. AGRICULTURE

Umatilla County agriculture contributes about 100 million dollars in annual income to the county and supports local food processing, transportation, trade, and service employment and payrolls.[7] The county's agricultural sector has consistently ranked among the top ten Oregon counties in total agricultural productivity; and for the three year period from 1975-77, as irrigated crop land came into production, ranked at least third in the state. Contributing to this strong agricultural economy is the diversity of farming activities which includes the production of cultivated crops (e.g. wheat, barley, oats, corn, canola), field and truck crops (e.g. potatoes, green peas, asparagus, melons), hay and silage feeds (e.g. alfalfa, corn, pea vines), fruit products (e.g. apples, cherries, prunes, peaches, apricots, grapes), and an extensive livestock industry raising cattle and calves, hogs and pigs, sheep and lambs, and chickens and turkeys.

Besides being the largest industry in this county and second largest industry in Oregon, agriculture creates a rural atmosphere greatly desired by many city, rural, and regional people. A comprehensive plan considers agriculture as an irreplaceable natural resource. Its wise use is of as much importance as other resources.

FINDINGS

1. Agriculture is important economically in Umatilla County and to the state.

2. Inventory review and local testimony identifies several categories of agriculture in the county: (a) North/ South County Agricultural Region; (b) West County Irrigation District; (c) Special Agriculture; and (d) Orchards District.

RECOMMENDED POLICIES

1. Umatilla County will protect, with Exclusive Farm Use zoning pursuant to ORS 215, lands meeting the definition of farmland in this plan and designated as Agricultural on the Comprehensive Plan Map.

2. Establish four agricultural designations with several types of management regulations to protect and maintain the existing agricultural economy character of the county.

The following Comprehensive Plan Designations are identified and corresponding preservation measures listed (see Plan and Zoning Map for locations of agricultural designations and EFU zone types):

(a) North/South County Agricultural Region -160 acre minimum parcel size;
(b) West County Irrigation District - 40 acre minimum lot parcel size;
(c) Special Agriculture -20 acre minimum lot parcel size;
(d) Orchards District - 10 acre minimum parcel size.

3. Examination of past development patterns in farm areas, review of development costs(including drilling a domestic well, costs of land, septic tank installation, dwelling costs), a look at field pattern sizes, farm management unit sizes, tax lot and ownership patterns in the agriculture inventory, in the North/South County Agricultural Region lead to the conclusion that parcels of 160 acres and larger will continue the existing commercial agriculture enterprises in most of this county agricultural region. Also, these sizes are farm-sized related and the creation of new parcels of this size or larger will not attract nor encourage non-farm dwelling development. Also parcel divisions of less than 160 acres for strictly farming purposes are sometimes required and other times desired by dry land wheat farmers, livestock ranchers and irrigated farming interests to facilitate continued management on a variety of existing field pattern and farm management unit sizes and to maximize the number of management options (e.g. estate planning, financing, lease arrangements, land trades etc.) that are now taking place, and that would be restricted by one strict minimum parcel size requirement.

3. To allow the flexibility of management options, to continue the existing commercial agricultural enterprises in a given area, and to assure that non-farm activities will not be encouraged, a flexible review called a "matrix system" shall be created that requires appropriate standards and review procedures for a variety of parcel division purposes and development situations. The policies on which the matrix system is designed are described below:

(a)New parcels of 160 acres or larger are appropriate to continue the existing commercial agricultural enterprises in those areas designated North/South County Agricultural Regions.

(b) New parcels equal to or greater than 80 acres may be authorized when found to be appropriate to continue the existing commercial agricultural enterprise in the North/South County Agricultural Region,

(c) Dwellings customarily provided in conjunction with farm use may be allowed on parcels of 160 acres or larger and may be allowed on parcels of less than 160 acres provided that the parcel can be shown to satisfy the requirements of Policy #4.

4. Dwellings customarily provided in conjunction with farm use can be found on a variety of parcel sizes.

4. Dwellings customarily provided in conjunction with farm use shall be defined to mean:

	(a) A dwelling located on a parcel of at least 160 acres containing a predominance of non-high value soils in farm use; (b) A dwelling located on a parcel less than 160 acres containing a predominance of non-high value soils in farm use where the Income Test is met as found in the Development Code. (c) A dwelling located on a parcel containing a predominance of high value soils in farm use where the Income Test is met as found in the Development Code.
5. The County recognizes that parcel divisions of less than 160 acres for a variety of farm management reasons may continue the existing commercial agricultural enterprises in the County.	5. Farm divisions under 160 acres in the County must meet the applicable policies below and appropriate criteria and standards in the Development Code.
6. It is recognized that rural non-farm dwellings are desirable in the County. Rural non-farm housing must be placed in a manner not to negatively impact acceptable farming practices.	6. Non-Farm divisions under 160 acres in the County must meet the applicable policies and appropriate criteria and standards in the Development Code.
7. Relatives are often needed on the farm to assist in the overall farming operations and usually require a separate dwelling.	7. Farm relative dwellings shall be permitted if the dwelling meets the requirements of ORS 215.283 (1) (e).
8. The non-farm uses allowed in ORS 215.283 exist in the county and new ones can be accommodated without major conflict in most of the county's agricultural regions.	8. The county shall require appropriate procedures/ standards/policies be met in the Comprehensive Plan and Development Ordinance when reviewing non-farm uses for compatibility with agriculture.
9. Non-Farm dwellings often are found to conflict with agricultural uses. They should conform to area activities, not place unnecessary burdens upon public facilities and services, and take up the least amount of area as possible.	9. Require appropriate procedures, standards and policies be met in the Comprehensive Plan and Development Ordinance to assure that non-farm dwellings will be compatible with farming activities.
10. Rural or non-farm dwellings often takes	10. To assure that new non-farm dwellings

good farmland out of production; however, it is difficult to define what good farmland is as evidenced by recent legislation (marginal lands) attempting to broaden the very tight parameters of the SCS Soil Classification System used to define agricultural lands.	as opposed to existing farm dwellings converted to non-farm dwellings will not remove valuable farm ground, the generally unsuitable test in ORS 215.284 (7) (non-farm dwelling criteria) for the establishment of non-farm dwellings shall now be clearly defined as soils classified as VII and VIII according to the SCS Soils Survey Classification System.
11. It is recognized that rural non-farm dwellings in farm areas might create a variety of problems (e.g. complaints of noise, dust, chemicals, etc. related to generally accepted farming practices).	11. Require as part of the matrix review criteria and standards that a "Covenant Not to Sue" document be recorded prior to approval of a non-farm dwelling.
12. Some farm dwellings have the potential of becoming non-farm dwellings.	12. When an existing farm- related dwelling is requested to be converted to a non-farm dwelling, the requirements of ORS 215.284 (7) (non-farm dwelling criteria) and ORS 215.236 (farm tax disqualification) shall be met. However, existing farm dwellings converted to non-farm dwellings may be on better classified soils, provided that they meet the intent of the generally unsuitable test in ORS 215.284.
13. The supply of irrigation ground water is diminishing in several locations in the County.	13. Recognize that future irrigation water supplies will be primarily surface sources (Columbia River Water). Support feasible and storage projects including groundwater recharge.
14. Irrigated farming affords greater diversified crop and animal production, thereby requiring new support/processing facilities.	14. Ensure availability of necessary supportive services sites through allowed conditional uses in EFU zones and commercial activities allowed on industrial lands.
15. Federal and state action policies greatly influence irrigation water availability and supporting agri-industry sittings.	15. Maintain continuing liaison with state and federal agencies to ensure water supplies for farming and to help coordinate other land use development related to agriculture.
16. Although slowly recovering, past	16. Support programs such as Soil and Water

overgrazing by has resulted in deterioration of the County's lower elevation range lands.	livestock conservation management practices maintain optimum forage levels.
17. Forest management (e.g. timber harvesting) does some seasonal grazing lands or creek bottom lands designated agricultural, and those lands can play a significant role in contribution to the overall County timber supply.	17. Continue to encourage timber management to occur on lower elevation seasonal grazing as permitted in the Exclusive Farm Use Zone.
18. Often times land used for security in mortgages requires less than the minimum lot size in agricultural areas which makes it cumbersome for the property owner to obtain approval and for the county to keep records. It is not necessary for a separate parcel to be created for mortgage purposes. Oregon Statutes (ORS 92) exempt divisions of lands resulting from lien foreclosures from land partitioning requirements. Therefore, it is not necessary for a landowner to create a new parcel of land for mortgage purposes; rather, a release of any prior security interest in property may be given to a lending institute without creating a new lot.	18. Umatilla County will implement procedures set forth in ORS Chapter 92.
19. The Seven Hills Properties, LLC, and Powerline Ranches LLC, property described in Exhibit 1, is located in the North-South County Agriculture Plan Area and in the Walla Walla Wine Appellation. The land is well suited for vineyards and wine production and meets the OAR requirements to justify parcel sizes smaller than the statewide 80-acre minimum.	19: The Seven Hills Properties, LLC and Powerline Ranches LLC tract of land, described in Exhibit 1, may be partitioned below 80 acre parcels as follows and subject to the following conditions: 1. Limitation on Lot Size. The parcel size may be no smaller than 40 acres. 2. Dwellings only allowed if meet applicable Oregon Administrative Rule requirements. 3. A transportation/road circulation master plan must be submitted and approved prior to any partition of the subject property. 4. Parcel size may not be used as justification for any future zone change.

(Ord. 2007-01, passed February 7, 2007; Ord. 2008-09, passed June 16, 2008)

20. The Umatilla Electric Cooperative (UEC) property located at Township 5N, Range 28E, Section 14; Tax Lot #1500 was acknowledged as agricultural land (Statewide Planning Goal 3). The property consists of an 80.41 acre parcel of gently- sloping, arable, unproductive agricultural land, that without irrigation, would not be capable of producing farm crops. The entire subject property is unirrigated, and water rights are only located on the extreme southern portion of the subject property. However, because the land is located within the Columbia Valley American Viticulture Area, by law, it is considered high-value farmland under Oregon Revised Statute - ORS 195.300(10)(f)(C).

Under the statewide rules for solar development on agricultural lands, the County is required to adopt an exception to Goal 3 in order to permit a solar power generation facility to be built on more than 12 acres of high-value farmland. Oregon Administrative Rule OAR 660-033-0130(38)(f) provides:

> *For high-value farmland described at ORS 195.300(10), a photovoltaic solar power generation facility shall not preclude more than 12 acres from use as a commercial agricultural enterprise unless an exception is taken pursuant to ORS 197.732 and OAR chapter 660, division 4.*

The UEC property is proven to provide a good solar resource with relatively flat topography, long sun exposure, and close proximity to existing transmission lines. There is an existing and operating 1 MW solar facility, and an additional 9 to 11 MWs

20. The UEC property, as described, is recognized as a Goal 3 exception property and may be developed under the provisions of the Umatilla County Development Code.

(Ord. 2017-04, passed May 15, 2017)

of solar generation could be developed on the site in addition to UEC existing solar project.

21. The Rust property located at Township 2N, Range 27E, Sections 2, 3, 10 and 14, Tax Lots 800 and 900 was acknowledged as agricultural land (Statewide Planning Goal 3). The property consists of 626 acres of gently- sloping, arable agricultural land that has no water rights. However, because the land is located within the Columbia Valley American Viticulture Area, by law, it is considered high-value farmland under Oregon Revised Statute - ORS 195.300(10)(f)(C). Under the statewide rules for solar development on agricultural lands, the County is required to adopt an exception to Goal 3 in order to permit a solar power generation facility to be built on more than 12 acres of high-value farmland. Oregon Administrative Rule OAR 660-033-0130(38)(f) provides:

For high-value farmland described at ORS 195.300(10), a photovoltaic solar power generation facility shall not preclude more than 12 acres from use as a commercial agricultural enterprise unless an exception is taken pursuant to ORS 197.732 and OAR chapter 660, division 4.

The Rust property is proven to provide a good solar resource with relatively flat topography, long sun exposure, and close proximity to existing transmission infrastructure. There is an approved solar facility located on adjacent land in Morrow County (CUP-N-364-24/AC-153-24/ LUD-N-069-24) that will provide transmission infrastructure to interconnect any solar development on the Rust property to the regional grid.

21. The Rust property, as described, is recognized as a Goal 3 exception property for up to 450 acres of solar development, battery storage and ancillary components and may be developed under the provisions of the Umatilla County Development Code.

(Ord. 2026-01 , passed March 18, 2026).

NOTE: See Technical Report, Section B, for Background Data and Plan Map Section, Chapter 18 for additional information.

Chapter 7. GRAZING - FOREST

County grazing/forested areas are located in the northeast, east and southern parts of the county and one within the Blue Mountains. Included in this area are portions of the Umatilla Indian Reservation, and their trust lands outside the Reservation, numerous federal, state and other public lands along with private property holdings.

Grazing/forested areas make important contributions to Umatilla County. They supply much of the county's summer grazing lands for livestock, watershed areas, timber for the wood products industry, food and habitat for wildlife, outdoor recreational opportunities, and add to the county's tax base. Sound management practices and policies are needed if grazing/forested areas are to continue the important role they presently play in Umatilla County.

FINDING	POLICY
1. Grazing/forested lands in Umatilla County not only contain rangeland, but also timberlands and water and aggregate resources, habitat for fish and wildlife, and qualities desirable for recreational uses.	1. Umatilla County will encourage a multiple use concept for its grazing/forestland areas and will conserve forest uses, including Agricultural activities (e.g. Cultivation) found intermixed within forested lands through appropriate policies in the comprehensive plan and corresponding protection measures in the Development Ordinance.
2. There are several other forest uses within the “mixed use” forested/open grazing land areas of Umatilla County besides those listed in Finding #1 above.	2. These other forest uses shall be permitted within areas designated Grazing/Forest and included within the Grazing/Farm Zone under "propagation of a forest product or use.” Forest uses for the purposes of this policy shall include but not be limited to: (1) open space, buffers, visual separation to reduce noise and compatibilities; (2) watershed protection, wildlife and fisheries habitat; (3) soil protection from wind and water; (4) maintenance of clean air and water; (5) outdoor recreational activities and related support services and wilderness values compatible with these uses.
3. The mixture of timbered and open grazing lands make it difficult to conclusively	3. Pursuant to current Administrative Rules and DLCD policy, both grazing and timber

determine if the forest or agricultural goal should be applied.

resource lands in Umatilla County shall be designated Grazing/Forest (mixed use forest), applying the state agricultural land goal. A GF Zone (Grazing/Farm) will be placed upon land within this designation.

4. Analysis of past development patterns, findings regarding present tax lot and ownership sizes and patterns, determination of and testimony pertaining to grazing, timber, and other forest use management needs, and studies regarding land costs and non-resource speculation issues, all lead to a conclusion that parcels of 160 acres and larger will conserve Umatilla County's Grazing/Forest areas for the present mixed use nature of grazing, agricultural and forest activities taking place in this area. Additionally, these sizes are resource-size related, and the creation of new parcels of 160 acres and larger will not attract nor encourage non-resource dwelling development. Further, dwellings sited on parcels 240 acres and larger are considered accessory and necessary to forest uses.

4. New parcels of 160 acres or larger shall be considered appropriate to continue the existing commercial agricultural enterprises (mostly grazing activities) and conserve forest lands for forest uses in those areas designated Grazing/Forest. New dwellings proposed on parcels of at least 160 acres (farm use)/240 acres (forest use) shall be classified as resource dwellings.

5. Testimony from resource users in the Grazing/Forest area indicates they sometimes require or have need to divide land less than 160 acres for resource management efficiency purposes that would otherwise be restricted by one strict minimum parcel size requirement. The County also recognizes that the need for flexibility for a variety of lot sizes is not as great in the North/South County Agricultural areas. However, boundary adjustments for better resource efficiency is important and often involves parcels less than 160 acres that cannot be combined into one tax lot because of financial and/or assessment rules, procedures and preferences. Some provisions within the North/South County Agricultural Region Matrix Review System are appropriate in the Grazing/Forest areas.

5. When reviewing proposed parcel divisions and development proposals in areas designated Grazing/Forest, boundary adjustments under 160 acres within areas designated Grazing/Forest must meet the applicable policies below and appropriate criteria and standards in the Development Ordinance:

(a) Each such transfer shall meet the requirements of ORS 215.243 if for grazing or agricultural purposes.
(b) each such transfer shall meet applicable requirements of ORS 527.610-730 (Forest Practices Act provisions) if for timber management purposes,
(c) Each such transfer must be contiguous with the parcel with

	which it is proposed to be combined. (d) Each such transfer shall be strongly encouraged to be combined with the adjacent parcel involved in the boundary adjustment, (e) If such a transfer cannot be combined into the adjacent parcel because of financial or assessment rules, no new dwellings shall be permitted on these divided parcels subject to provisions in Policy #6.
6. Resource managers of the County's Grazing/Forest areas are concerned that parcels divided into too small of a size for purposes other than resource management can create the expectation of permitting a non-resource dwelling to be sited.	6. (a) Boundary adjustments that result in tax lots of less than 160 acres shall be required to record deed restrictions that: (1) no resource dwelling is allowed on the subject tax lot; and (2) that authorization of the subject boundary adjustment does not create a parcel eligible for sale or transfer to a third party. These deed restrictions can be removed upon the recombining of the subject tax lot (with one or more tax lots) into a single parcel equal to or larger than 160 acres in size, (b) There will be only one exception to this policy: a non-resource dwelling may be permitted only if it meets all of the requirements of appropriate Development ordinance standards listed in previous or subsequent Grazing/Forest policies.
7. Many of the compatible non-resource uses allowed in a mixed use forest area pursuant to EFU zone (ORS 215) and state administrative policies can be accommodated within the County's designated Grazing/Forest areas. In fact, some of these uses exist now without reported conflicts.	7. The County shall require that appropriate procedures (conditional uses), review standards and policies be met in the Comprehensive Plan and Development Ordinance, pursuant to appropriate state administrative rules when reviewing new non-resource uses for computability with resource activities now taking place within areas designated Grazing/Forest.
8. Non-resource dwellings are viewed cautiously by resource managers because they can often conflict with resource activities like those occurring in the County's Grazing/Forest area (e.g. grazing, farming	8. (a) Require appropriate procedures, standards and policies be met in the Comprehensive Plan and Development Ordinance to assure that non-resource dwellings will be compatible with

timber and other forest management purposes). Non-resource dwellings can cause a variety of problems such as complaints from residents about property damage caused by livestock, timber management complaints of clear-cutting, spraying, etc. and problems over accepted farming practices such as chemical application or noise and dust caused by farm machinery. These dwellings should conform with area activities, not place unnecessary burdens upon public facilities and services, take up the least amount of area, and if located within timbered areas should consider fire safety precautions.	grazing/forest and farming activities occurring on lands designated Grazing/Forest. (b) Require a "Covenant not to sue" document be signed and recorded prior to the approval of a non-resource dwelling, stipulating that the owner will not remonstrate against accepted farm, grazing and forest practices occurring in areas designated Grazing/Forest.
9. Non-resource dwellings often take good grazing, farm and forest use soils out of production.	9. To assure that new non-resource dwellings as opposed to existing resource dwellings converted to non-resource dwellings will not remove valuable resource ground, the generally unsuitable test in the non-farm dwelling review criteria for the establishment of new non-farm dwellings shall be defined as soils classified as VII and VIII according to the SCS Soil Survey Classification System.
10. There are a few instances where resource use dwellings have the potential of becoming non-resource dwellings.	10. When a partition is requested to convert an existing resource-related dwelling to a non-resource dwelling, the request shall meet requirements consistent with ORS 215. 284 (7) (non-farm dwelling review criteria), and ORS 215.236 (farm deferral disqualification, if the parcel is on farm deferral), and other appropriate standards protecting resource uses. However, partitions involving existing resource dwellings may be on better classified soils providing they meet the intent of the generally unsuitable test in ORS 215.284.
11. Much of the land within the Grazing/Forest areas of Umatilla County are considered Critical Winter Range areas for deer and elk. Studies indicate that special	11. A "Critical Winter Range Overlay" zone along with special clustering and notification requirements as required in certain Natural resource policies shall apply to lands

land use measures are necessary to protect these winter range areas.	designated Grazing/Forest and identified as Critical Winter Range.
12. Timber on small, recreational-related or rancher-owned parcels can contribute to future availability of logs in Umatilla County.	12. Seek cooperation with the Oregon Department of Forestry in efforts to provide technical assistance to all property owners who wish to manage their land for timber. Encourage the uneven age timber management system in multiple use designated areas where desired visual aesthetics and wildlife habitat concerns are important and should be protected.
13. There is a need for wood lots for fuel heating purposes.	13. Permit wood lot uses through leasing and/or selling of timber rights. The purpose of this policy is to encourage the utilization of wood lots while discouraging parcelization and the siting of dwellings.

NOTE: See Technical Report, Section C, for background data

Chapter 8. OPEN SPACE, SCENIC AND HISTORIC AREAS, AND NATURAL RESOURCES

This section includes those areas that, if managed wisely, will protect, conserve, and enhance the natural and cultural elements of the county.

Land Needed or Desirable for Open Space
Umatilla County has considerable amounts of open space. In fact, of its 2.06 million acres of land, less than five percent is urbanized. Pasture, range, forest, and crop lands provide most of the open space in the county.

This amenity is desirable for many reasons. It serves as a buffer between conflicting land uses, permits the logical expansion of urban areas, provides recreational opportunities, contributes to the aesthetic quality of the landscape, and enhances the social and economic value of the community.

Fish and Wildlife Areas and Habitats
A variety of fish and wildlife species reside in Umatilla County. Because of the aesthetic, recreational, and economic benefits they provide, this resource is important to both county residents and visitors.

Waters in Umatilla County serve as valuable harvesting, spawning, and rearing areas for migratory fish, resident trout, and warm-water fish. However, increased fishing pressures, inadequate stream flows, man-made barriers, and unscreened water diversions have contributed to fish population declines in many streams and rivers.

Elk and deer are the two major big game species found in the county. Although relatively abundant, changes in land uses and poor land use practices have destroyed some of their habitat. But, they are not the only wildlife species affected.

Ecologically and Scientifically Significant Natural Areas
Wildlife refuges and sites inhabited by rare or endangered plant or animal species are found in the County. Ownership of these lands are federal, state, county, and private. Various agencies and organizations are working to identify and protect these areas.

Wilderness Areas
Although there are over 250,000 acres of forest and over 376,000 acres of U.S. Forest Service land in Umatilla County, none of it is currently or potentially wilderness areas as defined by Goal 5.

Outstanding Scenic Views and Sites
There are areas and views which are commonly recognized as striking in their effect on those who experience them. Geological features, green vegetation, and water are major scenic features; human works and dry, shrub-steppe landscape are other attractions. So that areas do not lose their eye-catching attributes, plans attempt to identify "commonly recognized" scenic features, and suggest uses for these areas that minimize conflicts with the valuable features.

Potential and Approved Federal Wild and Scenic Waterways and State Scenic Waterways
There are no state-designated scenic waterways or potential scenic waterways in Umatilla County. However, the North Fork of the John Day River, a portion of which

flows through Umatilla County, is included in the U.S. Department of Interior's "Nationwide Rivers Inventory" for possible inclusion in the national wild and scenic rivers program.

Historic Areas. Sites. Structures and Objects
Much of the county's historical and archeological significance dates back to various Indian tribes that resided in the area, and to the early passage and eventual settlement of white settlers using the Oregon Trail. Unfortunately, natural processes and man-related activities have destroyed or altered many remnants. Historical site and building inventories are provided in the Technical Report.

Cultural Areas
In some ways all of Umatilla County should be considered a "cultural area" under the Goals 5 definition since it is within the original territory of the Umatilla Indians. Areas throughout the county have cultural significance to the Indians, but discussion of cultural sites is difficult since the Tribe is reluctant to identify them.

There are no approved or potential Oregon or national recreation trails in Umatilla County as designated by the National Trails System Act of 1968 or the Oregon Recreation Trails System Act of 1971.

Water Areas. Woodlands. Watersheds and Groundwater Resources
Water supply is a critical factor for development. In some places, the delicate balance of supply and demand has been upset and groundwater tables are decreasing.

The County is subjected to extremes in surface water availability. Shortages of rainfall in summer months bring near-drought conditions to many parts of the county while flash floods and heavy spring snowmelt threaten low lying floodplains. Water impoundments help store, control, and distribute water throughout the year.

Mineral and Aggregate Resources
Although no minerals of commercial value are known to exist in the county, aggregates are relatively common. Aggregates include sand, crushed and uncrushed gravel, and stone.[10] They are primarily used for the construction of new homes, streets, sewers, churches, businesses, etc. Since long truck hauls are costly, local sources must remain available.

Energy Sources
Of the three major commercial components of Oregon's present energy picture—electricity, petroleum, and natural gas—only electricity is generated in the county.

McNary Dam, located on the Columbia River north of Hermiston, has fourteen power generators capable of producing seven million watts of electricity per year. A second powerhouse with more generators will be built during this decade.

FINDINGS	POLICIES
1. Having only a sparse rural population, Umatilla County is predominately open	1. (a) The County shall maintain this

space.	resource by limiting development mainly to existing built up areas, (b) The County shall cooperative with the many public agencies which manage open land in the County. Special contracts will be sought when development proposals are in the vicinity of large tracts of public land.
2. Umatilla County has a relative abundance of fish and wildlife habitat.	2. (a) The County shall preserve habitat by encouraging 208 Best Management Practices and proper Forest Management Act procedures. (b) The County will complete the Goal 5 process, which includes the ESEE consequence analysis of conflicting uses for all identified natural areas, species occurrence and wetlands. For all IB sites identified in the Technical Report adopted on June 12, 1985, the Goal 5 process will be completed prior to the next plan update (Sept. 30, 1987). For all "3A" sites, the County shall apply the NA Overlay Zone and if necessary, develop a management plan to protect the resource. For all "3C" sites, the County shall apply its 100 ft. riparian setback and Sections 4.600 and 4.700 of the Development Ordinance. (c) The State Department of Fish and Wildlife will be specifically consulted when proposed land use actions may affect significant or critical fish or wildlife habitats. (d) The County recognizes and supports the March, 1984, Agreement between the State Board of Forestry and the State Fish and Wildlife Commission as an effort to protect Goal 5 resources. [See also policies 49 and 50] (e) The County Development Ordinance shall include conditional use

standards, overlay zones, and/or other provisions to limit or mitigate conflicting uses between rare, threatened and endangered species habitat areas and surrounding land use.

(f) With the availability and/or addition of adequate information of heron rockeries locations, the County shall complete Goal 5 analysis process for them (OAR 660-16-000).

3. Umatilla County land use classifications most compatible with sensitive big game habitats and in specially identified migration corridors are those that maintain the natural rural environment (i.e. agriculture, forestry, grazing, open space, floodplain, dispersed recreational uses).
(NOTE: Additional Big Game Findings and Policies are located in the Multiple Use Plan Map Section).

3.

(a) Developments that are allowed on sensitive big game habitats shall be of low density while still allowing for normal agricultural, grazing and forested uses,

(b) The County shall develop and apply an appropriate overlay zone to critical deer and elk winter range areas as determined by the Technical Report or subsequent action by the Planning Commission.

(c) Developed densities within identified big game corridors shall comply with other policies within this plan and the standards in the Development Ordinance.

(d) The County shall notify the Department of Fish and Wildlife of any quasi-judicial request for permission to engage in activities which may conflict with designated critical winter range, elk migration corridors or significant natural areas.

(e) New roads shall be located to avoid sensitive areas whenever possible. Forest harvest system requiring the least amount of roads should be favored. Seasonal roads would be closed to reduce harassment to animals during the stress periods of winter and early spring. Roads that are no longer necessary for fire

	protection or logging should be clocked off permanently. (f) Off-road vehicles use should be controlled during winter and early spring when it could affect survival of animals or cause excessive soils damage
4. Private landholders have suffered financial losses because of wildlife foraging on their agricultural land.	4. The County shall cooperate with the US Forest Service, Oregon Department of Fish and Wildlife, and property owners to resolve this problem.
5. Umatilla County land use classifications most compatible with upland game habitat are agriculture, forestry, open space, and floodplain.	5. (a) The County shall maintain rural agricultural lands, Development shall be of low density to assure retention of upland game habitat, (b) Land uses should maintain the vegetation along stream banks, fence rows, woodlots, etc. Research ways to reduce harassment and loss of upland game by free roaming dogs and cats.
6. Umatilla County land use classifications most compatible with waterfowl are those that maintain the natural rural environment (i.e. agriculture, forestry, grazing, open space, hazardous area or floodplain).	6. (a) Developments or land uses that require drainage, channelization, filling or excessive removal of riparian vegetation in sensitive waterfowl areas should be identified. (b) Residential, commercial or industrial developments shall not be placed on or adjacent to sensitive waterfowl habitat unless design review or conditions mitigate conflicts with waterfowl use. (c) Public access should be maintained or secured to appropriate waterfowl recreational areas whenever possible.
7. Umatilla County land use classifications most compatible with furbearers and non-game wildlife are agriculture, forestry, floodplain, hazardous areas or open spaces.	7. (a) Residential, commercial or industrial development in urban and suburban areas should incorporate an

Recommendations listed for big game, upland game and waterfowl will also benefit both aquatic and terrestrial forms of these animals.	appropriate amount of open space. (b) Native species (trees, shrubs and grasses) should be left in open space areas whenever possible. (c) Supplemental planning of ornamental species is encouraged when conditions are favorable. (d) Any required landscaping should incorporate a large variety of native plant species supplemental with ornamental. (e) Parks should be managed to leave natural vegetation. (f) Existing ponds, wetlands, and riparian vegetation in the urban areas should be protected. (g) Leave non-hazard snags along streams, sloughs and in forested areas.
8. Umatilla County contains a number of water land areas important for wildlife. Some of these are "significant wetlands."	8. (a) Setbacks shall be established to protect significant and other wetlands. (b) Development and timber practices in and adjacent to significant and other wetlands shall be allowed only when such precipices are in accordance with the rules and regulations of the Forest Practices Act.
9. "Significant Wetlands" are identified in Table D-ZI (a) of the Technical Report.	9. (a) The County shall encourage land use practices which protect and enhance significant wetlands.
10. Umatilla County land use classifications most compatible with river and stream fish resources are those that maintain the natural rural environment (i.e. the agriculture, forestry, grazing, open space, hazardous areas).	10. (a) Residential Development along streams shall be low density and require appropriate setbacks. (b) Commercial or industrial use along navigable waterways should be water-oriented. (c) Compatible land use shall maintain the riparian vegetation along streams

in the floodplain. Stream bank vegetation shall be maintained along streams outside of the floodplain by utilizing appropriate setbacks.

(d) Development or land use that requires channelization, excessive removal of streamside vegetation, alteration of stream banks and filling into stream channels shall be restricted in order to maintain streams integrity.

(e) New roads, bridges and access rights-of-way shall be designed to avoid channel capacity, and minimize removal of shoreline vegetation.

(f) Developments that require surface water appropriation or diversion shall be located where stream flows are not reduced below the recommended minimums.

(g) Projects which provide for additional in- stream flows to help meet the recommended minimums should be supported.

(h) Docks, log storage, houseboats and other water surface developments which preclude permanent use of public waters should be cluster-type developments.

(i) Public access should be maintained or secured to appropriate river and stream areas.

(j) Point and non-point pollution programs (including the DEQ 208 Programs) shall be supported to insure water quality maintenance and enhancement.

(k) Forest Practices Act rules and fish habitat management policies established by state and federal agencies shall be utilized by the County as guidelines.

11. Umatilla County land use classification most compatible with lake and reservoir fish resources are agriculture, forestry, grazing,

11.

(a) Major residential, Commercial or industrial development on lakes and

open space, and hazardous areas.	reservoirs shall be conditional or non-conforming uses. (b) Residential or recreational developments that incorporate construction of an artificial lake as a major attraction shall be conditional uses. (c) Encroachment on or destruction of shoreline fringe, particularly terrestrial and semi-aquatic vegetation should be restricted. (d) Setbacks or buffer zones shall be incorporated into lake and reservoir developments. (e) Docks and other surface water developments should be minimal. (f) Dredging and filing of shallow areas should be discouraged. (g) Future environmentally acceptable multi-purpose reservoir sites should be identified and appropriate land use restrictions applied if development appears imminent. (h) Public access should be maintained or secured to appearance lakes and reservoir areas. (i) Forest Practices Act rules and fish habitat management policies established by state and federal agencies should be utilized by the County as guidelines.
12. Umatilla County land use classifications most compatible with headwater areas are agriculture, forestry, grazing, open space and hazardous areas. (Headwater streams are those defined as Class II streams by the Forest Practices Act [OAR 629-24-101 (3)] and/or Class III and IV by the US Forest Service). [Note: Additional fish findings and policies are located in the Multiple Use Plan Map Section.]	12. (a) Residential, commercial or industrial development in unstable headwater areas shall be minimal, and shall require appropriate setbacks. (b) The County should identify unstable areas and geological hazards. (c) New roads should be located to avoid unstable headwater areas. (d) Forest Practices Act rules and fish habitat management policies established by state and federal agencies shall be utilized by the

	County as guidelines.
13. The Oregon Natural Heritage Program and the County have identified a number of verified and potential ecologically and scientifically significant natural areas (as defined in LCDC Goal 5).	13. (a) Umatilla County shall work with the Oregon national Heritage Program to development criteria by which to identify and evaluate potential scientifically and ecologically significant areas within the County. (b) When conflicting uses are proposed for sites identified as having high potential as scientifically and ecologically significant natural areas, Umatilla County shall determine and evaluate the environmental, energy, economic and social consequences of allowing the conflicting uses and of retaining the area in the existing state. (c) With the availability and/or addition of adequate information, the County shall complete the Goal 5 analysis process (OAR 660-16-000) for potential significant natural areas.
14. A portion of "Darr Flats" is a significant natural area, as determined b the Oregon Natural Heritage Program (ONHP) and defined by Goal 5 ("BA"). Conflicting uses should be limited on other adjacent and surrounding areas ("30").	14. (a) The NW1/4 of Section 36, T2S, R30E., W.M. (160 acres) is a significant natural area ("3A") that shall be protected by the NA – Natural Area Overlay Zone of the Umatilla County Development Ordinance. (b) On adjacent and surrounding areas of approximately 1,300 acres, which compose the remainder of Darr Flat, conflicting uses shall be limited ("3C") by provocations of the Umatilla County Development Ordinance. Also, the property owner has agreed in writing not to change the use of the area (limited grazing) and will notify the County if changes in uses or ownership contemplated.

15. "Albee Area" may be a significant natural area by ONHP (see Technical Report).	15. Umatilla County shall study this area to determine what special protective land use measures are necessary, if any, to protect and preserve "Albee Area."
16. "Stage Gulch Rangeland" may be a significant natural area (see Technical Report).	16. Umatilla County shall study this area to determine what special protective land use measures are necessary, if any, to protect and preserve "Stage Gulch Rangeland."
17. The County and BLM have prepared a management plan for Harris County Park and the adjacent BLM land (south Fork Walla Walla River, UM-20, see Technical Report).	17. Umatilla County should work towards implementation of the recommendation of the Management Plan prepared for this property.
18. "Kamela Area" may be a significant natural area (see Technical Report).	18. Umatilla County shall study this area to determine what special protective land use measures are necessary, if any, to protect and preserve "Kamela Are."
19. An area near Rieth (described in the Technical Report) has been determined to be an area of occurrence of a rare or endangered species (Mimulus jungermannioides).	19. Special protective land use measures shall be enacted if necessary to protect the species,
20. Umatilla County has a number of outstanding scenic views and pleasant vistas. [Note: Additional scenic findings and policies re located in the Multiple Use Plan Map Section.]	20. (a) Developments of potentially high visual impacts shall address and mitigate adverse visual effects in their permit application, as outlined in the Development Ordinance standards. (b) It is the position of the County that the Comprehensive Plan designations and zoning already limit scenic and aesthetic conflicts by limiting land uses or by mitigating conflicts through ordinance criteria. However, to address any specific, potential conflicts, the County shall insure special consideration of the following when reviewing a proposed change of land use: 1. Maintaining natural

vegetation whenever possible.

2. Landscaping areas where vegetation is removed and erosion might result.
3. Screening unsightly land uses, preferably with natural vegetation or landscaping.
4. Limiting rights-of-way widths and numbers of roads interesting scenic roadways to the minimum needed to safely and adequately serve the uses to which they connect.
5. Limiting signs in size and design so as not to distract from the attractiveness of the area.
6. Siting Developments to be compatible with surrounding area developments and recognizing the natural chrematistics or the location.
7. Limiting excavation and filling only to those areas where alteration of the natural terrain is necessary and re-vegetating such areas as soon as possible.
8. Protection vistas and other views which are important to be recognized because of their limited number and importance to the visual attractiveness of the area.
9. Concentrating commercial developments in area where adequate parking and public services are available and discouraging strip commercial development.

(c) Publicly owned lands which provide outstanding scenic views shall be developed where appropriate.

(d) The “Elephant Rock” site shall be studied to determine if there is any

	scenic significance. (e) The Wallula Gap has been recognized as a significant scenic (as well as historic and wildlife) area. The County shall enact special land use measures; i.e., overlay zone to protect and preserve this area (see Technical Report).
21. Currently there are no designated state or federal scenic waterways in Umatilla County.	21. (a) Umatilla County will cooperate with any future designation of a state or federal scenic waterway. (b) Proposals for development within any future designated recreational or scenic river areas will be coordinated with the administrative staff of the Scenic Waterways Program.
22. Important archeological, historic, cultural, and scientific sites need protection.	22. The County shall cooperate with state agencies and other historical organizations to preserve historic buildings and sites, cultural areas, and archeological sites and artifacts.
23. Many historical and archeological sits in Umatilla County have not been recognized or cataloged.	23. (a) Umatilla County shall encourage and cooperate in developing a detailed county-wide historic site inventory. (b) Over time, as money and assistance and available, the Umatilla County Historical Society, with County assistance, will mark these sites to increase their value to the public. (c) With the availability and/or addition of adequate information on possible historic, archeological or cultural sites, the County shall complete the Goal 5 analysis process (OAR 660-16-000). (d) The County and the Historical Society will cooperate in an effort to locate and document the historic cemeteries and family burial plots.

24. Protective land use measures will be required to preserve historic, cultural and archeological sites.	24. (a) Umatilla County shall protect significant historical and cultural sites from land use activities which diminish their value as historical resources. (b) The County shall assist property owners who wish to preserve historic sites under their ownership. (c) Until such a time as the County assumes the issuance of building permits, the County shall notify the State Department of Commerce, Building Codes Division, of those sits and structures determined to be significant historical resources.
25. A county historical museum would help preserve the history culture of the area.	25. The County shall continue to assist the Historical Society in development of and a County historical museum.
26. Protection of Indian archeological and cultural sites (root digging, berry hunting, fishing, and campgrounds) are of great [importance] to the Tribes of the Umatilla Reservation and to others concerned about the county's history and heritage.	26. The County shall cooperate with the Tribe, Oregon State Historic picking, Preservation Office, and others involved in concern identifying and protecting Indian cultural areas and archeological sites.
27. While the Oregon Trail has been included into the National Trails System, only those portions on federal lands having a high potential for public use and historical interest are protected by law.	27. The County shall assist in identifying other segments of Oregon Trail that may warrant protection.
28. The Department of Interior has prepared a master plan for the Oregon Trail.	28. The County shall adopt the recommendations of the Oregon Trail Plan that are pertinent to Umatilla County.
29. Albee Town site contains several buildings of historical significance.	29. The County shall inventory Albee Town site to determine if preservation or restoration is possible or warranted.
30. Hideaway Hot Springs and Lehman Hot Springs have been used as recreation resorts for decades.	30. (a) The County shall support the redevelopment of Hideaway Hot

	Springs and Lehman Hot Springs as destination resorts in a manner compatible to the surrounding resource lands. (b) The County shall adopt protective land use measures (i.e. historic overlay zone) for the protection and preservation of the Hideaway Hot Springs dance Hall.
31. Meacham Town site has a long and important history.	31. (a) The County shall adopt the recombination's of the Oregon Trail Plan for Meacham. (b) Since the Meacham Hotel is on the State historic inventory (1976), the County should determine if protective measures are warranted to insure its preservation if recent (last 8 years) modifications have destroyed its historic character.
32. The Technical Report recognizes a number of potentially important historical sites that should be studied further to determine what protection measures, if any, are needed or warranted.	32. The following historic sites shall be studied by the County to determine significance and necessary protection measures: Albee Town site, Beamer House, Birch Cree/Grande Ronde Road, Buttercreek Crossing, Cold Springs Landing/Junction, Dorian Park, Echo Meadows, Finnish Cemetery, Fort Henrietta, Frazer Road, German Cemetery, Clicker Springs, Lewis & Clark Trail, Locust Tree Campground, Marcus Whitman Trail, Meacham Cemetery, Mumm Ranch, "Old Log Cabin," Olinger Monuments, Oregon Trail, Oregon Orange Tree, Picket Rock, Pine Grove, Pioneer Lookout Tree, Prospect Farm, Ten Mile House, Tollgate Road, Upper McKay School, Walla Walla Trail, Westland School, Willow Springs, and the Wooden Flume.
33. A number of farms in the county are registered as "Century Farms."	33. The County should support the "Century Farm" Program.
34. Timber harvesting, including especially	34. The County shall promote road

upper reaches of Umatilla wastes, and industrial wastes are contributors in the lower reaches; leakage from septic tanks is a major cause of groundwater contamination.	construction through the 208 Water County Streams.
35. Surface water, especially along the Umatilla River, is over used and has an impact on water quality, fish and wildlife habitat, and water rights.	35. (a) The County shall seek and request assistance from state and federal agencies to resolve water issues where the County lacks the jurisdiction. (a) (b) In the future, Umatilla County shall coordinate with the State Water Resource Department and other appropriate agencies to determine to what extent, based on the most recent information available, surface and groundwater resources are able to support future irrigation requirements for agriculture and projected population and industrial needs in the rural and urban areas of the County. Based upon the results of this coordination, the County also shall amend this plan and the Development ordinance regulating water availability as necessary, and insure that future updates of this plan remain consistent with the availability of water resources.
36. Additional small volume surface impoundments to store spring runoff are desirable to control flooding and provide additional irrigation water.	36. The County shall work with state and federal agencies to increase water impoundment capacities.
37. Areas specifically set aside for natural resource exploitation, future development of reservoirs, energy generation and transmission facilities and industry will lower the cost of eventual use, as compared to allowing incompatible development on the same lands before such eventual use.	37. The County shall ensure compatible interim uses provided through Development Ordinance standards, and where applicable consider agriculturally designated land as open space for appropriate and eventual resource or energy facilities use.
38. Extraction of non-renewable aggregate	38.

and mineral resources requires ongoing exploration, reclamation, separation from adjacent incompatible land uses.	(a) The County shall encourage mapping of future agencies sites, ensure their protection from conflicting adjacent land uses, and required reclamation plans. (b) Aggregate and mineral exploration, extraction, and reclamation shall be conducted in conformance with the regulations of the Department of Geology and Mineral Industries. (c) The County Development Ordinance shall include conditional use standards and other provisions to limit or mitigate conflicting uses between aggregate sites and surrounding land uses.
39. Aggregate extraction/processing activities in the densely developed Orchards District has created some land use compatibility problems in the past; yet, this region provides some unique sources of and excellent opportunities to supply area gravel needs.	39. (a) The County shall strictly enforce state and county development standards pertaining to gravel extraction/processing uses through appropriate agencies; whether new operations or expansions of existing sites. (b) To reduce the possibility of small, numerous gravel pit operations that could indiscriminately locate throughout the Orchards District, new gravel extraction proposals must have a minimum site area of 20 acres. This policy is intended to considerations as well as economics associated with this activity. (c) The County will work with the Corps of Engineers, State Fish and Wildlife Department, and other applicable entities to encourage the appropriate and safe removal of important and self-renewing aggregate sources in the Walla Walla Rive within the Orchards District.
40. The County owns and/or operates a number of small aggregate and rock	40. Some long-established, County owned and/or operated gravel pits which are located

extraction sites around the county that are used periodically exclusively for road maintenance and construction.

in resource zones shall be allowed periodic operation, based upon the issuance of a zoning permit under the following conditions:

(1) Extraction is for County road maintenance or, construction only;
(2) Crushing operations are for limited time periods not to exceed 90 days.
(3) Scale or extent of operation remains limited to the acreage area listed on the table below.
(4) The Planning Director may refer zoning permit request to the Hearings Officer or the Planning Commission.
(5) Operations will still be required to meet the standards and criteria of the Development Ordinance and Reclamation Ordinance. The County gravel pit sites listed on the following table shall apply under tis policy:

Existing Gravel Pits Exempted from Obtaining Conditional Use Permits

LOCATION	NAME	APPROX. SIZE
T IS R 30 Sec. 1-2	Nelson-Murray	1 Acre or less
T IS R 32 Sec. 13	Hoeft	1 Acre or less
T 5S R 31 Sec.(12) 13 TL 1500	Leverenz-Ukiah	1 Acre or less
T 5S R 31 Sec. 36	Soap Hill	1 Acre or less
T IN R 30 Sec. 12, TL 400	Coombs Canyon	1 Acre or less
T 2N R 30 Sec. 32-33, TL 1100	Alkali	1 Acre or less
T 3N R 30 Sec. 6, TL TL 500	Ransier	1 Acre or less
T 4N R 36 Sec. 36	Pine Creek	1 Acre or less
T 4N R 34 Sec. 31, TL 11500	McConttmach	1 Acre or less
T 4N R 30 Sec. 23, TL 2300	Despain-Terney	1 Acre or less
T 5N R 32 Sec. 5, TL 700	Juniper	1 Acre or less
T 5N R 34 Sec. 8, TL 1390	Wayland	1 Acre or less
T 5N R 34 Sec. 1-2	Shubert-Barrett	1 Acre or less
T 6N R 35-36 TL 101	Eastside	1 Acre or less
T 6N R 36 Sec.(34 -36), TL 5100	Casper	1 Acre or less

41. Several aggregate sites were determined to be significant enough to warrant protection from surrounding land uses in order to preserve the resource (see Technical Report).

41. In order to protect the aggregate resource, the County shall apply an aggregate resource overlay zone to the following existing sites:

(1) ODOT quarry, T5N, R35E, Section 35, TL 6200, 5900.
(2) ODOT quarry, T5N, R29E, Section 22, TL 800 ("Sharp's Corner")
(3) Private, commercial pit, T4N, R38E, Section 27, TL 1100.
(4) Upper Pit, T4N, R28E, Sections 28, 29, TL 4000.
(5) ODOT quarry, T3N, R33E, Section 23, TL 100, 600, 700
(6) Several quarries, T2N, R31E, Section 15, 16, 17, TL 400, 800, 3100. (See Technical report for specific site information).
(7) ODOT quarry, T3S, R30 1/2, Section 12, 13, TL 503.
(8) ODOT quarry, T4N, R35, TL 7303.
(9) Private, commercial pit, T4N, R28E, Sections 30, 31, TL 300, 2200, 2202, 2203.
(10) ODOT quarry, T1N, R35, Section 34, TL 800, 900, 1000, and T1S, R35, Section 03, TL 100.
(11) ODOT quarry, T1S, R30, TL 1901.
(12) ODOT quarry, T2N, R27, TL 2700.
(13) Private, commercial pit, T4N, R27E, Section 25, TL 900, Section 36, TL 400, 500, 600, 700, 800, 1400, 1500.
(14) Schuening Estate Quarry 2N, R32, Section 04, TL 400.
(15) Private, T4N, R27, TL 2200, T4N R27 Section 27, TLs 300 and 600 (Mining not approved, see #Z-259-97 and #T-16-066).
(16) Private, commercial pit, T4N, R27E, Section 36, TL 900, 1100, 1200, 1300, 1800. The approved post-mining use is photo-voltaic solar generation.
(17) Private, commercial pit, T5N, R29, Section 22, TL 400
(18) Private, commercial pit, portion of

	T3N, R29, Sections 28 and 29, TL 12800 ("Muleshoe Quarry"). The approved post-mining use is farming and ranching.
42. Alternative energy resources should be explored more fully in Umatilla County.	42. (a) Encourage development of alternative sources of energy. (b) The County will develop a file of alternative energy literature which will be available to the public. (c) The County will refer people to agencies or private sources of energy conservation or development information when such information is not locally available. (d) With the availability and/or addition of adequate information on wind, solar and other alternate energy resources, the County shall complete the Goal 5 analysis process for those resources (OAR 660-16-000).
43. Some potential exists for development of subsurface energy resources.	43. (a) The County should provide for exploration for and development of subsurface energy resources. (b) The County shall institute land use categories which protect the land base upon which subsurface energy sources may occur. (c) The Resource oriented land use categories shall provide for control of access to and development of subsurface energy resources. Such exploration and development shall be in conformance with requirements of the Oregon Department of Geology and Mineral Industries. (d) With the availability and/or addition of adequate information on oil, gas and other subsurface energy resource, the County shall complete the Goal 5 analysis process for those resources (OAR 660-16-000).

44. Lease agreements to explore and extract subsurface resources of soil, gas, shale oil, and coal have increased significantly in the last several years. Negative impacts will be lessened by reclamation and separation from uses not compatible with mining these subsurface resources.	44. The County shall establish review criteria during a public review process to ensure compatible with adjacent land use. Regulations will include capping or filling of test holes, reclamation or restoration and discouragement of such activities in areas designated residential in the Comprehensive Plan.
45. Land use regulations can be developed that will promote wise use of local energy resources.	45. The County shall encourage and assist individuals to site and situate development in a manner which will provide the most energy efficient placemat, within the setback requirements of the various land use zones.
46. The "Open Space, Scenic and Historic Areas and Natural Resources" chapter of the Umatilla County Technical Report provides the basic background data and justification for the policies established in this section of the Comprehensive Plan.	46. In order to provide substantive information and justification for the policies adopted in this section of the Comprehensive Plan and resulting implementing ordinances, the County hereby adopts the following specific portions of the Technical Report as part of this Plan: (a) Goal 5 process, p. D-2. (b) Elk winter range as portrayed on map D-14, as clarified by text on p. D-17a. (c) Significant Wetlands table D-31 and accompanying maps. (d) Habitats of Rare, Threatened and Endangered Species table D-62 and accompanying maps. (e) Sensitive areas for fish production, p. D-66-69 and map D-71. (f) Definition of "headwaters", p. D-70. (g) Definition of "significant natural area", p. D-74. (h) Significant natural areas species occurrence and wildlife areas table p. D-88 and accompanying maps (i) Outstanding sites and views table p. D-105-106. (j) Significant scenic area – Wallula Cap map D-108 and accompanying text p. D-109. (k) Inventory of Umatilla County

	Historic Sites and Buildings, table p. D-116-117, and accompanying maps. (l) Water areas watershed and groundwater resources "conclusions", pp. D-165, 166. (m) Significant ("3A") aggregate sites, p. D-189, and accompanying maps. (n) County gravel pits qualified for simplified permit system, p. D-96-97.
47. The County has developed, adopted and implemented several "overlay zones" within the Development Ordinance with the purpose of providing additional protective and preservation measures for the significant historic and natural resources of the County which are covered by Statewide Planning Goal 5. These overlay zones are the Aggregate Resource Overlay Zone (AR), the Historic, Archeological or Cultural Site/Structure Overlay Zone (HAC), the Critical Winter Range Overlay Zone (CWR) and the Natural Area Overlay Zone (NA).	47. Any proposed modification to the text or areas of application (maps) of the AR, HCA, CWR or NA overlay zones shall be processed as an amendment to this plan.
48. The County has determined, through its environmental, social, energy and economic (ESEE) analysis of conflicting uses, that Goal 5 resource sites and the conflicts identified do not justify prohibiting Commercial forestry in light protection provided by the Forest Practice Act (FPA) and cooperative agreements between the Board of Forestry and the Fish and Wildlife Commission.	48. After thorough ESEE analysis and recognizing that land use conflicts exists, the County shall not relegate its commercial forest industry to an incidental or insignificant status as would be required by the FPA.
49. The County has determined that notwithstanding some conflicts, commercial forestry should not be prohibited or relegated to an incidental or insignificant land use status. Having made that decision, whether or not the EPA is an adequate "3C" program as required by OAR 660-160-010 (3), the County is preempted by ORS 527.722 from adopting additional measures to control forest practices.	49. The County shall rely upon the FPA and any supplemental agreements between the Board of Forestry and the Fish and Wildlife Commission to resolve confects between forest management activities and fish and wildlife habitat (See also Policy 2 (d)).

NOTE: See Technical Report, Section D for background data

Chapter 9. AIR, LAND AND WATER QUALITY

Air, water and land pollution impose serious burdens on the public. Once considered limitless, air, water and land are now recognized as finite resources. Also, quality levels of these resources are affected by activities of many jurisdictions which lead to the "spillover" of pollution from one jurisdiction to another. Consequently, most air, water and land standards have been enacted by federal and state governments. Comprehensive planning considers the quality of air, water and land as vital resources and attempts to coordinate on a regional basis the identification, solution, and appropriate action for combating and mitigating pollution problems.

Umatilla County's livelihood is dependent upon the land, water and air resources; thus assurances that these resources; thus assurances that these resources will not be threatened are valid and vital concerns.

FINDING	POLICY
1. Air, land and water qualities are generally considered good and within federal and state pollution standards.	1. Discharges from existing and future developments shall not exceed applicable environmental standards.
2. Location of some agri-business uses (e.g. livestock feed yards) can create local air quality problems in the form of drifting odors.	2. Direct new agri-businesses and industries toward locales where prevailing wind patterns will not carry odors into incompatible land use areas and protect existing odor production industries through appropriate land use regulations.
3. Current solid waste sites for the County are adequate through 1995 and beyond.	3. Have County Solid Waste Committee review adequacies of these sites every five years.
4. Changing per capita solid waste generation, technology and recycling feasibilities may modify existing procedures and facilities.	4. Every five years investigate additional possibilities for future sites and recycling opportunities.
5. Problems exist in the form of solid waste dumping (e.g. old car bodies, etc.) on isolated and unauthorized lands, especially north of Hermiston.	5. Encourage joint County/DEQ programs (e.g. license and permits) to prevent further illegal dumping.
6. Non-point pollution sources contribute to	6. Participate in water quality management

degradation of water resources.	programs (e.g. Clean Water Act, Section 208).
7. Noise pollution is not presently an environmental quality problem.	7. Consider cumulative noise impacts and compatibility of future developments, including the adoption of appropriate mitigating requirements of plan updates.
8. Intensifying subsurface sewage disposal threatens to contaminate domestic wells.	8. Recognize that protection of existing wells has priority over development proposals requiring additional subsurface sewage disposal.
9. Present controls on water quality are principally agencies beyond influence of the program implementation.	9. Investigate county assuming jurisdiction state over subsurface sewage direct disposal and “208” County.
10. To protect life and property, hazardous materials require careful location precautions.	10. Direct hazardous materials storage away from populated areas and any identified hazards and seek to encourage emergency access and storage safeguards.

NOTE: See Technical Report, Section E, for background data

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Chapter 10. NATURAL HAZARDS

Certain physical characteristics of a planning area can be foreseen to be a danger to life and property. Hazards are considered in a comprehensive plan because damage to individuals and their property affects the well-being of the whole populace.

In the county, hazards are limited to flooding. Other potential hazards (e.g. landslides, earthquake) either do not occur or occur with insignificant frequency. Other minor hazards, those creating development limitations (e.g. steep slopes, weak foundation soils, unsuitable septic tank soils) exist in limited and isolated areas of the county. However, planned development is being directed away from most of the known development limitation areas. It is expected that exiting state, local, or other appropriate agencies will review proposed development in light of existing hazards or development limitations according to existing requirements. When detailed information becomes available and when the County has the necessary funds, it is anticipated that the County will take over development review on a site by site basis.

FINDINGS	POLICY
1. Inventory of County lands concludes that flooding is the major hazard potentially dangerous to both life and property, with steep slopes, landslides, and other development limitations occurring in isolated areas located mostly away from existing and proposed development and not having known to have caused any previous wide-spread property damage.	1. The County will endeavor, through appropriate regulations and cooperation with applicable governmental agencies, to protect life and property from natural hazards and disasters found to exist in Umatilla County.
2. Development can alter natural drainage flows and create adverse effects upon the environment.	2. Limit "floodway" development to non-structure improvements not detrimental to maximum runoff flows.
3. Additional detailed information on floodplains, floodways, wind erosion areas, and earthquake hazards are needed.	3. Seek to determine all floodplain and floodway boundaries, wind erosion areas, and earthquake potentials. When hazards have been identified, the County will seek to mitigate the hazard through appropriate programs.

4. Active earthquake fault lines have not been conclusively identified in the County.

4. Potentially hazardous major developments (e.g. power plants) must address earthquake hazard possibilities.

5. There are potential steep slope landslide hazards in or near multiple use exception areas in the Blue Mountains for which some general mapping has been completed, but for which some general mapping has been completed, but for which other areas* mapping cannot be completed at this time. Potential hazards of these types generally occur at or exceeding 25% slope according to most soil scientists and engineers.

5. (a) The county will apply a Steep Slope Overlay Zone to all Multiple Use Exception Areas.

(b) The county will monitor proposed development in suspected areas of steep slope/landslide hazards (>25% slope) in the following manner:

(a) Require at the time of permit application a signed and written certification from the applicant that the proposed development will not occur in areas of 25% or greater slope; or

(b) If the applicant's development is in an area where slopes exceed 25% and written certification cannot be obtained because of the slopes, but the applicant wishes to proceed with development plans then:

1. The applicant must provide along with development permit application, a written report from a certified engineer or geologist that the development proposed can be completed without threat to public safety or welfare. Such written report shall be to review the development proposal and shall follow prescribed procedures and conditions in the Development Ordinance.

NOTE: See Technical Report, Section F, for background data.

Chapter 11. RECREATIONAL NEEDS

A basic human need is to pursue activities that refresh mental and physical condition. 11 From children learning to socialize through play, to elderly people walking or sitting in the sun, recreation is important to the whole life cycle.

Implementation of a recreation system is considered a - public responsibility although many agencies and private parties provide the system's components. The need itself, expressed in land area, recreation type or improvement, changes as the population changes.

Umatilla County is growing rapidly. Existing facilities are becoming inadequate, and entirely new types are in demand.

FINDING	POLICY
1. There is an increasing demand for both local improved recreational facilities and dispersed unimproved recreational areas.	1. Encourage and work with local, state, federal agencies and private enterprise to provide recreational areas and opportunities to citizens and visitors to the County.
2. Recreational uses can complement unique resources such a historical sites, natural wonders, facilities easements, lakes, floodplains, scenic views, industrial sites, etc.	2. Consider recreation needs and opportunities in the identification, acquisition and development of unique areas.
3. Numerous recreational opportunities are located on land under the control of state or federal agencies.	3. The County will continue to work with state and federal agencies in the preparation of their management plans to insure that recreational opportunities will exist.
4. Information on recreational needs valuable to fund distributors, citizens, developers, planners, and recreational districts, is not now available in one central spot.	4. Investigate establishment of a centralized collection point for recreation needs and supply information.
5. Differing recreational pursuits occasionally conflict among themselves and with other land uses.	5. Provide for recognized forms of recreational use while minimizing conflicts with surrounding uses.

6. Over time, additional recreational facilities will be needed.	6. Provide assistance to recreational groups and private investors interested in acquiring and developing recreational facilities.
7. Private recreational areas exist or have existed and their facilities remain throughout the County.	7. The County will recognize these recreational areas around the County and encourage the development of these areas in harmony with surrounding land use.
8. Off-road vehicles have increased in popularity in the past few years, creating nuisance complaints and increasing traffic problems along county and state roads.	8. The County will work with private property owners, local off-road vehicle organizations, and appropriate state and federal agencies to help solve the problems.
9. Hunting and fishing are very important to Umatilla County.	9. The County will cooperate with appropriate agencies to manage resources at optimum levels to protect these valuable recreational opportunities.
10. Lehman Hot Springs, currently in operation, and Hideaway Hot Springs, currently not in operation, have traditionally served as recreational resort areas.	10. Encourage the expansion or reopening of these two areas for resort activities with appropriate safeguards to ensure compatibility with adjacent land uses.
11. Public and private parks need to, from time to time, perform maintenance, rehabilitation, replacement, minor betterment repairs, and improvements to facilities and structures within the park. These improvements are not likely to have negative impacts upon adjacent lands and facilities.	11. Activities within parks that fall into these categories will not be required to obtain a conditional use permit before beginning these activities; only a zoning permit will be required and then only if the activity involves structures of over 110 sq. ft. in area. All other activities will only require the certification pursuant to the Development Ordinance that the activities do not exceed the 100 sq. ft. limitation. For example, changes from a pit toilet to a faucet toilet would be considered a minor betterment. Also covered under this policy are picnic areas, directional/informational signs, kiosks, traffic control devises, drinking fountains, water supply systems serving the existing developed areas, catch basins, drainage systems, paint sheds, well houses, maintenance buildings, and trail improvements. This policy shall apply to all zones listing parks, playgrounds, or

	community centers, as allowed, or conditional uses.
12. Recreational Vehicle Parks are a valuable economic development, tourism and recreational attribute to the County.	12. Provide opportunities to both private business and public agencies to construct, maintain and expand RV Parks in accordance to adopted development regulations within the County.

(Ord. 2014-04, passed July 2, 2014)

Note: See Technical Report, Section G for background data.

Chapter 12. ECONOMY OF THE COUNTY

Agriculture has been, is, and probably will remain, the mainstay of the Umatilla County economy. Annual estimates compiled by the Oregon Extension Service indicate that Umatilla County consistently ranks among the top three Oregon counties in annual agricultural production. In recent years, the County has consistently produced about $100 million in gross sales of farm products.[7]

Other sectors of the Umatilla County economy, albeit contributing much less than agriculture, are important employment sources and most have realized significant growth in response to increase County population. The largest sectors include trade, government, and manufacturing (both wood products and food processing industries). Federal forest lands and the timber industry also contribute to County revenue through payments in lieu of taxes (federal payments on the basis of timber sales) and Eastern Oregon Severance Tax Receipts (a tax from private timber harvest). Transportation, trade, finance and service employment have all increased, and improved service in each of these support sectors has in turn benefited Umatilla County's basic industries.[7]

Future conservation and development opportunities rely heavily and directly upon allocation of available land and water. Devoting these resources mainly to agricultural production presumes additional, yet uncertain, water sources, commits the area to an inelastic market, restricts diversification of the local economy, and returns less personal income to the local population. Consequently, this plan recognizes the limited advantages to irrigated agriculture and advocates careful future evaluation before allocating water resources to any segment of the economy.

The Port of Umatilla has taken a lead position in cooperation efforts toward strengthening the County's economy. It has been instrumental in attempting to establish in the West County a regional water system, for both domestic and industrial uses. With its bonding capabilities, the Port also offers development assistance to a wide variety of diversified industrial interests.[12]

FINDING	POLICY
1. Predominately a resource based economy, the County experiences fluctuations in market demand, production supply, and	1. Encourage diversification within existing and potential resource-based industries.

seasonal unemployment and under employment.	
2. Component and tool supplies for County manufacturers are not often produced locally.	2. Encourage investment into local production facilities for fabrication components.
3. Specified industry site requirements may vary presently designated industrial lands.	3. To encourage industrial diversification, modify from pre-designated industrial areas as appropriate.
4. Regional, state and federal programs aid in the development of local economies.	4. Participate in selected economic development programs and projects applicable to the County desired growth.
5. Urban commercial centers are adversely affected by development of surrounding rural retail facilities.	5. In close proximity to cities, yet outside of urbanizable areas, limit commercial development to those areas that meet the requirements of Goal 2 and ORS 197.732 for an exception in resource areas. Commercial development shall also be limited to land demanding activities that require few public services.
6. Recreational attractions and good transportation linkages contribute to the tourist industry.	6. Encourage and promote private investment resorts and service facilities that offer quality public recreational experiences.
7. Comparative advantages over neighboring jurisdictions exist in availability of labor, reasonably priced lands, access to energy sources, and excellent transportation systems.	7. Improve inter-city and regional connectivity to/from economic centers and employment areas.
8. Water availabilities are a key resource to future economic growth.	8. Evaluate economic development proposals upon the following: Will the proposal: a. increase or decrease available supplies? b. improve or degrade qualities? c. balance withdrawal with recharge rates? d. be a beneficial use? e. have sufficient quantities available to meet needs of the proposed project and other existing and reassembly anticipated needs? f. reduce other use opportunities and if so,

	will the loss be compensated by other equal opportunities?
9. Changing markets, resource demands, and technology will directly affect economic development considerations.	9. Recognize the need for and periodically review/update economic policies and projects.
10. Retail trade is directly related to fluctuations in agriculture income.	10. Encourage industry and manufacturing diversification while preserving the more productive agricultural lands.
11. Local products do not receive full preferential demand in national/international markets.	11. Encourage efforts to gain preferential recognition for this area's products.
12. The County has a variety of commercial needs in the County.	12. Provide for three types of Commercial Service Center to serve nearby rural development; Tourist Commercial to serve the traveling public; Retail/Service Commercial to serve commercial activities which cannot locate within urban growth boundaries.
13. Industrial uses vary in intensity and impacts on surrounding areas.	13. Provide for two types of industrial classifications: light industry with less offensive odors and likely compatibility with commercial uses; and heavy industry which may generate noise, offensive odors; vehicular traffic, or require large amounts of energy and require isolation from people-oriented land uses.
14. Certain types of agriculturally related businesses and services do not necessarily need to be located within a commercial or industrial area.	14. The County will provide for an agri-business zone to allow certain types of agriculturally related businesses and services. This designation may be allowed where a commercial or industrial zone may not be appropriate because of compatibility or other specific problems.

NOTE: See Technical Report, Section H for background data.

(Ordinance 2026-06, Passed October 21, 2026)

Chapter 13. RURAL RESIDENTIAL - MULTIPLE USE HOUSING

The provision of dwellings for this nation's residents has been traditionally a function of private enterprise. Government is also now involved and monitors the housing situation and acts to affect the market in various ways (e.g. the financing of dwellings for those who could not otherwise afford it). Both the private and public sectors are charged to work together to achieve a decent level of housing for all.[13]

Rural residential land and multiple use housing are generally served by individual wells and septic tanks, by County roads or private easements of minimum level of improvement, by telephone and electricity.

In Umatilla County there has been a long history of both rural residential and vacation housing development. These two rural housing types have been and continue to be accepted forms of rural development necessary to maintain an existing and important lifestyle.

The location of rural housing may raise the costs of other land uses or have hidden costs that eventually overprice the dwellings or overburden their supporting public services. Therefore, land use planning can encourage, through prescribed policies and development standards, appropriate location, type and density of housing, thus helping assure that housing, public facilities and public service costs are minimized.

FINDING	POLICY
1. There is little information available on vacancy rates, rent levels and price ranges in Umatilla County or in most of its cities.	1. Participate in or otherwise encourage the development of housing information in order to evaluate housing demand and supply in Umatilla County and its cities.
2. Cities have the major responsibility to recognize and provide within urban growth boundaries the expected housing demands of all income levels.	2. Recognize and assist city plans, ordinances and programs that provide housing opportunities for all income ranges within the urbanizing areas.
3. The County has a role to assist in projects improving the housing supply.	3. Assist the Umatilla County Housing Authority, East Central Oregon Association of Counties and other agencies, businesses or individuals to develop programs encouraging housing rehabilitation, insulation, building projects and other programs in appropriate city and rural residential dwellings. Such

	programs shall assist in planning for the availability of adequate numbers of housing units at price ranges and rent levels appropriate to the financial capabilities of County residents.
4. Existing rural residential population is estimated at 16,.75 and by the year 2000 is expected to reach 27,500 indicating a strong desire to permit opportunities for rural residences.	4. Designate sufficient rural residential areas adequate to provide opportunity for expected rural residential needs, while considering compatibility with development or uses on surrounding lands, consistency with the mostly rural character of these areas, and meeting standards under OAR 66, Division 4
5. County citizens and recreational landowner's desires reveal that five acres per dwelling is an appropriate density most vacation housing in the County. In areas of dense recreational development, where big game crossings have been identified or where location and public facilities are somewhat remote or minimal, both a one and ten acre lot size density is supported.	5. The County will use several densities for the development of recreational housing in designated multiple use areas. (See Multiple Use Plan Map Chapter).
6. Public comments indicate that a rural atmosphere for rural residential use is generally perceived as about two acres per dwelling. Areas having steep slopes, adjacent to commercial farming operations or in areas having potential water and sewage problems, support a less dense development pattern which County residents advocate at four acre lot size minimums.	6. Calculate overall (i.e. rural residential) densities at approximately two and four acres per dwelling depending on location, topographic situation, and locally perceived density patterns. (See Rural Residential Plan Map Section and Attachments for more specific policy and density application).
7. Location of rural housing may eliminate possibilities for needed urban, industrial, agricultural, forestry or transportation expansion.	7. Consider impacts of other land uses in the selection of areas appropriate for eventual conversion to rural residential use. Specially, the County will permit rural residential and recreational housing development in those designated areas when and where it can be demonstrated that: (a) water is available for domestic use; (b) sewage disposal is approved by DEQ or an appropriate County agency or has ready

	access to a community system; (c) sufficient public services exist or will be provided by the developer/owner to accommodate the additional population resulting from the development; (d) development will be sited on lesser productive agricultural and grazing/forest lands and designed to not interfere with adjacent uses; (e) complies with other similar policies and standards relating to rural housing development in other portions of the Plan.
8. Clustering rural residential and recreational housing can provide more open space, will utilize and preserve scenic amenities (e.g. trees, streams, water canals, meadows and protect adjacent resource lands.)	8. Encourage cluster development in rural residential designated areas and under certain circumstances outlined in the development policies require clustering in areas designated multiple use. (See Multiple Use Plan Map Chapter and Rural Residential Plan Map Chapter).
9. Extensive lot parcelization and subdivision development of the past 50 years in existing rural residential multiple use areas along with the previous zoning lot size minimums for rural housing, creates lots smaller than the new lot size minimum that complies with or better meets the State Land Use Planning Goals.	9. Parcels legally existing at the time of this plan's adoption and located in designated rural residential and/or multiple use areas shall continue to function as legal lots for purposes allowed in these areas and provided basic requirements such as setback and sewage disposal regulations are complied with.
10. The existing permit process is time-consuming and adds cost to housing development.	10. Adopt development standards which consolidate requirements into a centralized process.
11. Agricultural/timber production, wildlife, open space and recreational use are considered compatible within rural/recreational residential areas.	11. Allow agricultural/timber and other compatible open space uses within these rural areas.
12. Mobile homes are increasingly providing housing for county residents.	12. Continue as a permitted use mobile homes on lots in rural/multiple use residential zones.
13. High-impact construction projects	13. Seek funds to plan for expected impacts,

generate short-term housing-related demands.	present necessary mitigation proposal to propend organization and, where appropriate, facilitate private investment solutions.
14. Labor-intensive agricultural practices require more dwellings in close proximity to production areas.	14. Establish provisions to on-site farm labor housing within agricultural lands.

NOTE: See Technical Report, Section I for background data. See also Plan Map Section, Chapter 18 for more specific rural and recreational residential policies.

Chapter 14. PUBLIC FACILITIES AND SERVICES

Public facilities and services in Umatilla County have been inventoried and discussed in the Technical Report. The services in Umatilla County run a wide variety from police and fire protection of gas and electrical utilities to Port facilities to day care services. All the facilities and services have been evaluated with regard to current and projected demands, service areas and projections for expansions and upgrading of the facilities and services.

The next step is to determine what levels of services and what types of facilities need to be provided for non-urban dwellers. This is where a blending of the goals occur. Through local comprehensive planning efforts, the needs and desires of the rural residences of the county can be obtained. Public hearings and public comments over the years have brought out a majority of the desires of the rural population concerning facilities and services. These comments were then taken and formulated into policy decisions and minimum facility and service levels were set.

The harder part comes in being able to maintain, or in some cases upgrade the existing situations to the original level, to the minimums that were set. Resources are often limited and voters often do not wish to increase taxes to pay for added facilities or services. This in turn tends to transfer some of the costs back to the new development or a sort of pay-as-you-go philosophy. Through the careful implementation of the following policies, the county will be able to accommodate the growth that it expects and still maintain the desired facility and service levels adopted forthwith.

FINDING	POLICY
1. Rural residents expect and receive fewer services than do urban residents; so as rural development occurs, these services need to be maintained and upgraded.	1. The county will control land development in a timely, orderly, and efficient manner by requiring that public facilities and services be consistent with established levels of rural needs consistent with the level of service requirements listed on pages J-27 and J-28 of the Technical Report. Those needs are identified as follows: a. Fire protection shall be provided consistent with Policies 8,9.,10. b. Police protection shall be provided consistent with Policy 7. c. Surface. Water Drainage-Roadside drainage shall be maintained and plans for drainage shall be required in

	multiple use areas. d. Roads shall be maintained or improved to standards adopted and outlined in the County's Transportation System Plan, which are consistent with nationally accepted standards that correlate traffic to desired road conditions.
2. Rural development is totally dependent upon on-site services for sewer and water as no special districts exist to handle these services.	2. Require that domestic water and sewage disposal systems for rural areas be provided and maintained at levels appropriate for rural use only. Rural services are not to be developed to support urban uses.
3. Since rural development is totally dependent upon on-site services of sewer and water, larger lot sizes are needed than in urban areas where public sewer and water facilities are available.	3. The County will require that the following minimum lot sizes be established for new lots: a. * Rural Residential - 2 and 4 acre b. ** Multiple Use- 1,5, and 10 acres ' *Also see policies- in Plan Map Section under Rural Residential. ** Also see policies in Plan Map Section under Multiple Use
4. Three small unincorporated committees are located in rural Umatilla County (Umapine, Rieth and Meacham). These communities contain some urban type facilities (usually public water systems) and the potential for added services (public sewer systems).	4. The County will require in identified unincorporated communities that a minimum of one acre by required for new lots unless a public water or sewer system is available, then a 1/2 acre minimum lot size will be required; or if both a public water system and sewer system are available, then a 6,000 sq. ft. minimum will be required.
5. The concentration of rural housing (e.g. subdivisions in productive viable farm areas) increases unwanted potential for land use conflicts in agricultural areas.	5. Prohibit further residential subdivisions within agriculturally designated areas and only' permit' extensions of utilities if the utilities are appropriately sized and necessary for farm uses or for permitted non-farm uses as allowed in the Development Ordinance, and are appropriate for farm use densities as outlined in the policies under the Agricultural Goal.

6. Public facilities and services providers must be kept abreast of development in the County so that they may allocate existing resources and plan accordingly for efficient expansion.	6. The County will seek comments from affected public facilities and. services providers for all discretionary land use actions including all types of land divisions, conditional uses, variances, zoning map amendments, and comprehensive plan map amendments to ensure that transportation recommendations are consistent with other adopted local and state land use development plans.
7. Police protection for the rural populace is above the state average.	7. Allocate annual funding to maintain at least the state average of .34 offices per 1000 people.
8. Not all areas of the County are served by rural fire protection districts, especially those areas around Pendleton.	8. The County will encourage the formation or expansion of rural fire districts in areas designated for non-resource use.
9. Inadequate water supplies hamper firefighting in developed rural areas.	9. Require adequate water supplies for firefighting as part of significant new developments in rural areas in coordination with the appropriate rural fire district.
10. Some rural fire districts have experienced problems in serving rural population.	10. The County will provide assistance to rural fire districts in their attempts to locate satellite fire stations closer to rural development.
11. Community water systems are limited in Umatilla County and are often unorganized, of various adequacies, and cause higher densities than surrounding rural areas.	11. Encourage community water systems only in development of a size and density necessary for public protection. Require appropriate agencies to enforce standards on existing systems.
12. A West County regional water system has been proposed using Columbia River water for municipal and industrial supplies.	12. Participate in the organization of the proposed regional water system.
13. School districts are experiencing increasing enrollments and the potential for overcrowding exists.	13. The County will assist school districts and cities through its function as a coordinator in providing' timely and efficient expansion. of school facilities.
14. Residential development away from	14. The County will encourage rural

urban areas can increase the potential number of children who must ride school buses and increases cost to the school districts.	residential development to occur near existing school facilities and along existing bus routes.
15. Day care facilities do not provide off-hour services needed by around the clock industrial employees.	15. Request that the licensing authority require off hours operations. Require larger proposed industrial development address this problem' during permit application. (Development Standards).
16. Day care center location requires considerations child safety, home/destinations and transportation accesses.	16. Recognize that with appropriate safeguards child care centers may be sited in most land use classifications.
17. Irrigation districts are fragmented as land holdings decrease in size and non-farm uses increase.	17. Enter into coordination agreement with districts to minimize adverse effects of proposed land development.
18. Residential development adjacent to irrigation ditches creates servicing and liability problems for irrigation districts because of children playing around them	18. Any newly created lot and related development that abuts an irrigation district shall be required to erect a 6 foot high chain link fence, 25 feet back from the lip of the ditch so as to separate the ditch from the development unless an agreement is reached between the ditch company and the property owner/developer that a buried pipe would be more appropriate.
19. Utility facilities can remove valuable resource lands and create development problems for new developments and detract from existing development.	19. Where feasible, all utility lines and facilities shall be located on or adjacent to existing public or private rights-of-way so as to avoid dividing existing farm or forest units; and transmission lines should be located within existing corridors as much as possible.
20. Needless utility and other service facility damages may be averted through cooperation with Umatilla County Utility Coordinating Council.	20. Consider incorporating their recommendations into the Development Standards.
21. Solid Waste disposal sites and facilities are adequate to handle needs into the next century.	21. Protect existing solid waste sites and identify and protect future sites through the use of a landfill overlay zone. Use the

	County's adopted "Solid Waste Management Plan" as the major document for solid waste management.
22. Increasing demands on library services exceed County ability to provide publications to municipal libraries resulting some cities' dissatisfaction.	22. Identify local service needs and seek stable funding to initiate appropriate funding.
23. Emergency service delivery is hampered by poor road and building identification.	23. Identify and assign numbers to buildings, and name and post roads as part of the Transportation Master Plan and Rural Address System.
24. Upon presidential declared disaster, ORS 401 assigns to government siting responsibility for temporary housing.	24. Establish potential temporary housing sites for emergency housing and minimum necessary services.
25. County facilities supporting public safety services are scattered and becoming inadequate.	25. Investigate feasibility of unified (possibly regional) public safety complex and provide a 911 emergency call system for those areas of the county not covered by 911.
26. Accessibility for the handicapped to existing County public building facilities is limited.	26. Seek funds to provide personal conveniences for the handicapped such as parking, restrooms, telephones and' drinking fountains where those are provided for other members' of the public.

NOTE: See Technical Report, Section J for background data.

(Ordinance 2026-06, Passed October 21, 2026)

Chapter 15. TRANSPORTATION

The multimodal transportation system in Umatilla County is intended to move people, goods, and services to, within, and through the County. The County has access to several critical modes of transportation that contribute to the development and prioritization of a reliable and efficient transportation network:

- Interstate and state highways flow east-west and north-south in the County.
- The Port of Umatilla provides commercial freight use of the Columbia River.
- Railroad lines including Union Pacific's major switch-yard at Hinkle, bring service to Umatilla County.
- Two municipal airports make a wide variety of services available to county and regional residents; i.e., agriculture, freight, passenger, business.
- Natural gas and oil pipelines transport fuel to the county and to other areas.
- Local traffic between urban areas and highways travels on an extensive county and state roads network.
- Mass transit is presently limited to long distance commercial bus lines and small fleet bus systems that serves some transportation needs of seniors.

The ability of existing services and facilities to serve long-term regional needs, and to provide balanced forms of transportation for all segments of the County's future population, hinge upon cooperative city/county development of a Transportation System Plan. The County's Transportation System Plan will serve as the roadmap to inform planning decisions, facility investments, and strategic actions for the next 20-years. Overarching goals that will guide both the County's Transportation Chapter and Transportation System Plan include:

- Goal #1: Provide a transportation system that is safe and secure for all transportation modes.
    - **Objective #1a:** Prioritize projects, programs, and policies that seek to reduce crash frequency and severity.
    - **Objective #1b:** Reduce fatal and serious injury crashes in the county.

- Goal #2: Provide an efficient multimodal transportation system.
    - **Objective #2a:** Identify and address capacity constraints, ensure efficient flow on key corridors, and maintain the transportation system in a state of good repair.
    - **Objective #2b:** Support existing local and regional transit services and expand the connectivity of services between key regional growth centers across the County.
    - **Objective #2c:** Enhance the freight-related transportation network.
    - **Objective #2d:** Identify opportunities to connect communities through regional multi-use trails and bicycle routes.

- Goal #3: Improve connectivity to economic centers and encourage recreation tourism through an interconnected, multimodal transportation network.
    - **Objective #3a:** Improve freight connectivity to/from economic centers and employment areas.
    - **Objective #3b:** Improve inter-city and regional connectivity to/from economic centers and employment areas.
    - **Objective #3c:** Connect and upgrade existing trails to the regional trail system to promote active living and recreation tourism in the county.

- Goal #4: Improve access to affordable transportation options and minimize potential negative impacts of transportation projects on underserved areas.
    - **Objective #4a:** Strengthen economic opportunities through the development of new transportation infrastructure in underserved areas.
    - **Objective #4b:** Improve multimodal access in underserved areas to schools, parks, employment centers, commercial centers, health and social services, and other essential destinations.

- Goal #5: Provide a resilient transportation system.
    - **Objective #5a:** Improve transportation system resilience to extreme weather events (flooding, wildfires), natural hazards, and man-made disasters.
    - **Objective #5b:** Avoid or minimize transportation impacts on natural and cultural resources in the county.

- Goal #6: Establish transportation improvement and maintenance projects that are feasible, adequately funded, and provide positive returns on investment.
    - **Objective #6a:** Ensure that transportation recommendations are consistent with other adopted local and state plans.
    - **Objective #6b:** Partner with ODOT and other agencies to develop a long-range financial strategy for transportation improvements, operational needs, and other asset management needs in the County.
    - **Objective #6c:** Prioritize transportation maintenance and improvement projects that will provide the greatest safety and resiliency benefits per dollar spent.

- Goal #7: Update the regional transportation system plan as needed.
    - **Objective #7a:** Regularly review and update goals and policies related to smart technology services, such as automated and connected vehicles.
    - **Objective #7b:** Ensure that the data used to inform decision making at all levels within the County and to its partners is relevant and

applicable to current conditions.

- **Objective #7c:** Update elements of the Transportation System Plan as conditions change and new policies/standards are required.

Additional guidance, regulatory standards, and contextual frameworks can be found in the County's Transportation System Plan.

(Ord. 2002-01, passed August 14, 2002; Ord. 2012-07 passed March 13, 2012; Ord. 2014-09, passed September 17, 2014; Ord. 2014-10, passed September 17, 2014; Ord. 2026-06 passed October 21, 2026)

NOTE: See Technical Report, Section K, for background data

Chapter 16. ENERGY CONSERVATION

The era of inexpensive and unlimited energy has come to an end. Since support and service systems transporting energy are essential to land development, and most urban patterns are dependent upon non-renewable energy sources, conservation measures are needed in order to maintain improve the present standards of living. Energy conservation policies in the Comprehensive Plan therefore become a desirable objective.

Rapid growth in Umatilla County necessitates a comprehensive, realistic approach to future land use patterns that relate to energy utilization and conservation.

FINDING	POLICY
1. Escalating cost of depleting non-renewable energy sources make renewable energy source alternatives (e.g. solar, wind) increasingly more economical, and help conserve existing energy supplies.	1. Encourage rehabilitation /weatherization of older structures and the utilization of locally feasible renewable energy resources through use of tax and permit incentives.
2. Appropriate planning policies, building code regulations, design layout, and landscaping can significantly reduce energy consumption and make more efficient use of existing and potential energy sources.	2. Strive for energy efficient land use patterns through various management and regulatory techniques in the Development Standards.
3. Existing building code regulations require minimal insulation and do not address solar utilization.	3. Initiate a county building code which recognizes local peculiarities and situations relating energy conservation.
4. Quantities of reusable/recyclable metallic-nonmetallic wastes do not presently allow economical conservation efforts.	4. Encourage systems and/or efforts for the economical collection, reuse, and recycling of metallic nonmetallic wastes.
5. Pre-sent laws do not adequately protect access to sunlight for users of solar energy.	5. Encourage federal and state measures that protect users of solar energy (e.g. restrictivecovenants, solar sky space easement).

6. Travel distances for frequently purchased goods, (gasoline and groceries) may be reduced by locally situated rural commercial' facilities.	6. Recognize rural residential areas' local retail service needs.
7. Until recent fuel cost increases, travel to work by private auto was acceptable and the primary means used.	7. Recognize that fuel costs impact work force availability and encourage larger firms to cooperate in commuter bus-shared ride programs.
8. Hot springs in this county are indicative of geothermal potential.	8. Facilitate land use proposals directed toward geothermal energy utilization.

NOTE: See Technical Report, Section L for background data.

Chapter 17. URBANIZATION

Urbanization entails providing mechanisms for the orderly and efficient transition from rural to urban land uses. These intended results involve cooperative processes between the county and cities to identify and separate urbanizable land from rural land by mutually agreed upon urban growth boundaries.

Each city has or presently is designating sufficient amounts of rural lands which shall be considered available over time for urban development. Cities' projected growths are planned for orderly expansion into the urbanizable areas. Each city's comprehensive plan must be based on considerations of: (1) orderly, economic provision for public facilities and services; (2) availability of sufficient land for the various uses to insure choices in the market place; (3) land conservation and development goals; and (4) encouragement of development within urban areas before conversion of urbanizable areas.

As an urbanizable area develops, but before it is annexed into a city, Oregon law stipulates that county jurisdiction must continue in effect. Therefore, to insure city-desired development patterns while urbanizing lands are still under County control, a joint management agreement becomes a recognized necessity.

Those portions of the cities' comprehensive plans applying to lands beyond their boundaries, but within urban growth boundaries, are adopted by the County and become by reference a part of the County Comprehensive Plan. Amendments to a city's comprehensive plan that directly affect County jurisdictional urban growth area lands, and therefore this plan, are by mutual agreement between each city and the County. Procedures for comprehensive plan amendments are specified in each respective City/County Joint Management Agreement.

FINDING	POLICY
1. Cities can expand into surrounding areas more easily and at less cost when these areas develop according to city plans and to city standards.	1. Adopt and enforce city plans and substantive standards for unincorporated areas within urban growth boundaries.
2. While the County jurisdiction prevails in unincorporated urban growth boundary areas, cities' future development patterns are acknowledged.	2. Enter into joint management agreements assuring city/county coordination, particularly as they pertain to transportation improvements, operational needs, and other asset management needs in the County.
3. Amendments to comprehensive plans in unincorporated urban growth areas will affect city growth potential and County administration.	3. Specify by agreement with the cities the processes for amendments to unincorporated urban growth plans.

4. Excessive development outside urban growth boundaries will decrease cities' projected urban development.	4. Recognize and periodically assess the cumulative impacts of rural land decisions on cities' planned growth.
5. Urban uses can adversely impact farm uses by interfering with farm practices or by occupying productive land.	5. Where practical, and to conserve the agricultural base, lands committed to urbanization should be those of lesser agricultural potential compatible with continuing production of neighboring farm lands.
6. Agricultural land within urban growth boundary areas offer continued food production.	6. When designed and applicable allow Exclusive Farm Use zoning designation within urbanizable areas.
7. Existing rural centers (e.g. Meacham, Umapine, Rieth, FUMIO, and Hat Rock) function as important and historic local service centers, and may be approaching size, density and attitude for incorporation.	7. Consider such land committed and recognize their potential for eventual municipal incorporation by designating them centers "Unincorporated Communities", if such incorporation proposal is consistent with and follows standards in OAR 660, Division 14.
8. In Meacham, Umapine, and Rieth, limited public services are available and there are some development limitations (e.g. high water table, poor structural strength soils).	8. Only permit those uses in "Unincorporated Communities" that will maintain and continue its rural and historical character and will not seriously conflict with adjacent land uses. Allow additional uses at levels that can be handled by local public facilities and meet applicable standards for water quality and sewage disposal.

(Ordinance 2026-06, Passed October 21, 2026)

Chapter 18. THE PLAN MAP

INTRODUCTION

The most visible part of any land use plan are its maps. Readers flip through the text to the maps showing what was decided about their land parcel of particular interest. Unless one is masochistic, unusually curious, or trying to overturn a particular decision, the remainder of the text may never be examined.

The County Plan Map, found in the back pocket of the Plan, identifies in broad-brush strokes agricultural, forest/grazing, residential, commercial, industrial and urban lands, as well as federal and state owned lands. In addition to the County Plan Map, which portrays the "whole picture," maps showing land use designations of specific geographical areas of the County are also included in the back pocket.

The general land use classifications guide implementation techniques of zoning, subdivision standards, deferential tax assessment, etc. In isolated instances present use of a site may not conform to this plan's classifications. It is intended that such pre-exiting uses are recognized as non-conforming and continued use at pre-acknowledged plan intensities are acceptable.

Specific policies in the text may modify application of the general land use plan designation. Local conditions that warrant special consideration during development review or implementation of government programs may not be apparent from examination of only the plan map. The user of this document is encouraged to interpret the Plan Map Section in light of the stated plan policies.

LAND USE CLASSIFICATIONS

The following discussion lists and describes the various types of general land use depicted on the County Plan Map. Based upon analysis of land productivity capabilities, the majority of land in Umatilla County outside of Urban Growth Boundaries is suited to either farm or forest uses.

The Land Conservation and Development Commission's Statewide Goals #3 (Agricultural Lands) and #4 (Forest Lands) specify that such lands are to be preserved and maintained for farm and forest uses unless an exception is taken as prescribed in Statewide Goal #2 (Land Use Planning). The exceptions process is used to present the reasons for determining that certain resource lands may instead be placed in one of the following two categories: (1) land no longer available for farm or forest use; and (2) farm or forest lands needed for other future uses.

Full findings ordinarily required for an exception are not necessary for land determined to be unavailable for farm or forest use (non-resource). Only justification of what the local area feels is "physically developed" or "irrevocably committed" must be outlined. However, if agricultural or forest lands are determined to be needed for other uses, the following reasons for the action must be set forth in the plan:

1. Why these other uses should be provided for;

2. What alternative locations within the area could be used for the proposed uses;

3. What are the long-term environmental, economic, social and energy consequences to the locality, the region or the state from not applying the goal or permitting the alternative use;

4. A finding that the proposed uses will be compatible with other adjacent uses.

Within the descriptions of plan map classifications are presented the criteria employed to identify those lands considered developed or committed. In instances that require additional lands beyond those found to already be developed or committed to the land use classification, the narrative includes discussion of the four reasons (need, alternatives, consequences, and compatibility) for taking exception to the Agricultural Lands or Forest Lands Statewide Goals.

The rationale used to determine specific amounts/locations of lands within any given land use classification varies with the nature of the data characteristics inherent to that land use. The designation of Rural Residential lands is closely tied to quantitative information based upon population forecasts, average persons per dwelling, and community perception of appropriate lot size for the rural homesite. For other uses, less precise information is necessitated because of the more intangible characteristics related to those land use classifications. The designations of Commercial and Industrial areas are also based, in great part, upon current public attitudes toward future conservation and development of resource land. Recommended policies from the Citizen Committee on Umatilla County Overall Economic Development is central to the deliberations leading to commercial and Industrial land determinations.

AGRICULTURAL LANDS

Agriculture is the leading industry in the Umatilla County Umatilla County is also one of the leading farm revenue producing counties in the state. This plus the tremendous diversity of crop types makes agriculture a dominant facet of life in the County.

Because of its dependence on the land resource, farming is sensitive to the effects of land use change and intensity. As discussed in various parts of the Technical Report and Plan, the division of land into small parcels and the presence of non-farm activities can adversely affect farm operations. Therefore, to achieve the goal of protecting and preserving the agricultural industry, non-farm activities in agricultural areas of Umatilla County will be carefully controlled.

It is further necessary to preserve and protect the maximum amount of prime agricultural land resource as is possible to help assure future commercial agricultural production. In areas having special or unique agricultural resource circumstances, the intent is to maintain and protect existing agricultural production and to continue encouragement of the intensive management practices occurring on a diversity of parcel sizes.

The preservation of agricultural land has the secondary benefit of conserving the natural resources that are an asset to the physical, social and economic quality of life in Umatilla County.

Legislative policy and the Land Conservation and Development Commission

Goal #3 on Agricultural Lands also indicate a need to preserve agricultural lands. The state goal defines agricultural lands in Eastern Oregon as all lands of Class I-VI soils identified by the Soil Conservation Service classification system and other-lands which are suitable for farm use. Farm use is also defined as set forth in ORS 215.203 (2)(a):

As used in this section, "farm use" means the current employment of land for the primary purpose of obtaining a profit in money by raising, harvesting and selling crops or the feeding, breeding, management and sale of, or the produce of, livestock, poultry, fur-bearing animals or honeybees or for dairying and the sale of dairy products or any other agricultural or horticultural use or animal husbandry or any combination thereof. "Farm use" includes the preparation, storage and disposal by marketing or otherwise of the products or by-products raised on such land for human or animal use. "Farm use" also includes the current employment of land for the primary purpose of obtaining a profit in money by stabling or training equines including but not limited to providing riding lessons, training clinics and schooling shows. "Farm use" also includes the propagation, cultivation, maintenance and harvesting of aquatic, bird and animal species that are under the jurisdiction of the State Fish and Wildlife Commission, to the extent allowed by the rules adopted by the commission. "Farm use" includes the on-site construction and maintenance of equipment and facilities used for the activities described in this subsection. "Farm use" does not include the use of land subject to the provisions of ORS chapter 321, except land used exclusively for growing cultured Christmas trees as defined in subsection (3) of this section or land described in ORS 321.267 (3) or 321.824 (3).

State Agricultural Goal #3 further indicates that these lands shall be preserved by applying Exclusive Farm Use zoning. It is also the intent of Umatilla County to consider the growing, management, and harvesting of trees as a compatible form of agricultural production.

A majority of the lands presently in farm use in the County are of the Soil Conservation Service agricultural soil capability Class I through Class VI. This soil classification system is explained in the Technical Report. General soil maps for some areas of the County also included in the Technical Report, which show the location and extent of the soil classes and soil fertility, are not the sole determinant of what constitutes farmland. Therefore, it is necessary to describe other criteria used to define farmland in Umatilla County. The following criteria are used to determine to which lands the agricultural

a. Soils that are suitable for agricultural production using accepted farming practices, especially Class I-VI soils.

b. Areas of open land that are relatively free of non-farm conflicts. Areas that are still capable of being farmed.

c. Areas that are presently in farm production or are capable of being farmed now or in the future.

d. Areas where land is supporting or can support both agricultural uses and timber management.

e. Land that is marginal cropland but capable of supporting livestock grazing.

f. Those other lands that are necessary

to protect farm uses by limiting adjoining non-farm activities.

Applying the above criteria to lands in the County reveals those areas that are defined as farmland to which farm zoning and the farmland protection policies will apply.

It is the intent of Umatilla County to continue the capability to economically farm lands by limiting conflicts with non-farm uses. This will be done by prohibiting both incompatible non-farming activities and/or carefully monitoring land divisions to those compatible with agricultural needs.
The protection and preservation of farmland is primarily for the purpose of preserving agricultural soils and thus the industry as a basis for food and fiber production now and in the future.

Secondary benefits preserve potential mineral resources, fish and wildlife resources and the valuable character of open space.

The main land use control tools available to accomplish this goal are farm zoning and land division controls. Through the exercise of these controls, the agricultural economy can be maintained in the future.

To preserve agricultural lands the County established a 19 acre minimum Exclusive Farm Use size and zoning beginning 1972. The agriculture chapter in the Technical Report discussed reasons for adopting the 19 acre minimum size and shows that it has served to preserve a wide variety of farming operations in most agricultural areas of the County.

Until 1979 nineteen acres was the sole minimum parcel size. That year planning efforts in the Orchards District area of the East County showed that a considerable number of less than 19 acre operations constituted viable farm units. Studies further indicated the feasibility and appropriateness of smaller Exclusive Farm Use parcel sizes. Protection measures for this area are explained in more detail within the special agricultural section which follows.

Despite the apparent effectiveness of the 19 acre minimum Exclusive Farm Use zone, staff and Commission members of the State Land Conservation and Development Commission have expressed concerns that this size cannot be justified as a "commercial" farm size and a size that would not protect existing and successful farming operations in Umatilla County if partitions of this size are actually created through these lands. State interpretations of Goal #3 and court decision require this kind of justification or reasoning when developing land division and/or other agricultural protection regulations.

Essentially, the state is strongly pressuring (close to mandating) counties to either adopt large parcel size minimums where farms are large now, or requiring very strict review procedures on individual partition proposals whereby applicants are burdened to provide volumes of information to justify the partition. Proof of the above statements are revealed when examining the following nearby and similar agricultural counties' adopted or purposed EFU minimum lot size or review standards:

County Adopted Minimum Parcel Size for Agricultural Lands	
Morrow	160 acres
Union	160 acres
Gilliam	160 acres
Grant	160 acres
Wasco	160 acres
Wheeler	160 acres

Also, several valley counties (Benton, Polk and Marion Counties) have proposed individual review standards for agricultural partitions and have had to add more requirements when reviewed for state acknowledgement.

In the process of analyzing agricultural operations, their sizes and ownership patterns, etc., appropriate and justifiable state agricultural protection measures and techniques are suggested rather than continue the present 19 acre Exclusive Farm Use zone. As previously suggested, administrative rules and legal interpretations have limited the process of developing and choosing protective yet flexible measures for agriculture. This narrow process simply does not permit logical reasoning or justification for a 19 acre minimum lot size for most of Umatilla County's agriculture. (New farm protection measures are discussed in the next two sections). Agricultural lands intended for preservation are shown on the Comprehensive Plan Map. There are four land use categories used to maintain agricultural production capabilities. This first and most extensive is the North and South County Agricultural lands intended for preservation and are predominantly large scale, extensive commercial agricultural operations. The other two designations are the Special Agriculture designations that is applied to areas of unique circumstances, involving smaller scale commercial agricultural operations, and the Orchards District designation applied to the unique circumstances occurring in this agricultural region. Each designation is intended to recognize and protect the resource value of its respective measures.

Even though land use controls can be effective in preserving agricultural lands, by far the most important aspect of this program is public farm community attitudes. Public support, particularly from farmers, farm related industry and those people owning farmland in the county, is the real foundation upon which agricultural land preservation policies will be maintained.

The aspect of changing agricultural land into other non-farm uses (especially to industry) should be briefly touched upon before explaining the areas of agricultural designations and protection measures. Recognizing that there is an abundance of resource land in the county highlights the fact that should a unique opportunity arise where diversification of the County economy is possible and desirable for potential industrial development. For example, they are near a unique natural resource (e.g. mineral deposits), require a location outside an urban growth boundary because of potential hazards to, or incompatibility with dense urban development, or would have significant comparative advantages due to its location. Since markets, resource demands and technology all influence industrial and related development, the right combination of these can make a certain area very desirable, even more so than available land in industrial designed areas. Quite possibly other rural designated lands (e.g. rural residential and commercial) might require expansion into agricultural areas if present areas become nearly all developed. Should either of the above become the case, the County desires the flexibility and opportunity provided in the exceptions process under Goal #2 (Land. Use Planning) to allow conversion of agricultural or rural lands if favorable location considerations are present and impacts upon county services and lands are minimal. The degrees of agricultural productivity, however, should remain a major factor with the highest Soil

Conservation Service classification soils (generally indicating poorest productivity) being those prospective areas first removed from the agricultural land base. Where policies conflict, need for the proposed reclassification should be evaluated against need for the retention of the existing land use designations. The procedure for conversion of agricultural lands shall be a public hearing process, and shall follow state exception administrative and legislative rules. The county, through an overlay zone, has identified areas having a great or high potential for industrial use. These lands are still designated and zoned for agricultural use until an exception has been approved.

NORTH/SOUTH COUNTY AGRICULTURAL REGION

The area identified as North/South County Agricultural Regions on the Comprehensive Plan Map is intended to protect the existing commercial agricultural uses occurring within these two vast land areas. The existing commercial agricultural enterprise of these areas is characterized by extensive agricultural use, a large variety of crop types and agricultural activities, and a lack of significant areas of non-farm uses. And, importantly, there is widespread support from property owners for maintaining these areas for the exclusive use of farming and protecting them from non-farm conflicts. This area is the foundation of the agricultural economy in Umatilla County and is intended to be maintained for long-term agricultural production.

The intent of the North/South County Agricultural Region designation will be implemented by applying the Exclusive Farm Use (EFU) zone as established in ORS 215.203 et seq. and other appropriate requirements in the County Development Ordinance.

Specifically, to make the farmland protection program truly effective and reflective of commercial agricultural operations, it is necessary to apply to the North/South County Agricultural Region an agricultural designation, require EFU (Exclusive Farm Use) zoning, and supplement both of these measures by the use of a matrix review system. Those lands on which EFU zoning is applied are often in large ownerships, often in smaller, separated parcels, and are made up of many field patterns and parcel shapes, all to which help comprise commercial farming operations. This variety creates a need for a varied process of reviewing partitions and farm home proposals. The matrix review system provides this needed flexible protection. There are, however, intermingled, occasional parcels that are not economic or commercial farm units by virtue of size, shape, soils or use. Where they are few in number and limited in area (usually less than 20 acres), these parcels are included within* the North/South County Agricultural Region designation to help maintain existing farming practices, thus minimizing conflicts on surrounding lands. Allowing them to be indiscriminately divided into very small acreage only proliferates potential non-farm uses and increases the potential for conflicts with farming operations on adjacent lands. For the same reason, it is important that some marginal farmland be retained in commercial agricultural units.

Only where there is a significant number of highly clustered smaller parcels that are developed or committed to non-farm development are such areas considered appropriate for non-farm uses and justifiable as exceptions to the Agricultural Goal. Careful consideration shall be given to the adverse impact on the integrity of the farmland preservation program when considering the approval of non-farm uses in the midst of this farm designation.

Agricultural uses and those other activities necessary to accomplish agricultural production are the main uses allowed on these primary agricultural lands.

Specifically, these activities include but are not limited to incidental uses like forest management, sale of agricultural produce grown on the farm premise, experimental tracts for agricultural and forest products research and secondary uses in conjunction with farm activities (e.g. corrals, pens, barns, etc.). The principal farm dwelling and farmhand residences necessary to carry out

farm activities will be allowed as a permitted outright use with minor site and sanitation requirements. A parcel size minimum is assigned to assist in assuring that a dwelling is farm-related and will be located on a parcel considered large enough to continue the existing commercial farm management operation in the area. In the North/South County Agricultural Region, 160 acres will be used as the parcel size measure. A farm relative dwelling as defined by ORS 215.283(1)(e) will be permitted to allow a relative to assist the farm operator in the management of his farming operation. Similar requirements and standards for a principal or farm help dwelling will apply to a relative dwelling. However, because of the separated ownership patterns here, a farm relative dwelling shall be considered a dwelling in conjunction with farm use with minimal development requirements. In some circumstances where intensive agricultural operations are found, a dwelling may be allowed on a parcel less than 160 acres if it can be shown to be a commercial farm unit as defined by applicable state administrative rules designated as the "Income Test" threshold.

Certain non-farm uses allowed in the Exclusive Farm Use zone can be compatible with soil and groundwater conditions or with farm dwellings and can be made compatible with adjacent farming practices. These types of non-farm uses may be conditional uses with the opportunity for a public hearing and neighboring farm operator input regarding specific standards which have to be met in order to be approved. This policy requires several adjustments to the state Exclusive made to assure compatibility, usefulness to the community and to protect public health. Community facilities and services including churches, parks, non-profit community organizations and other equivalent public and private use intended to serve county residents have been reclassified as conditional uses and land use decisions. Specific standards and conditions shall be satisfied in order for these uses to be permitted within the North/South County Agricultural Region.

Non-farm dwellings within the North/South County Agricultural Region are viewed as inappropriate. However, where special conditions exist, non-farm dwellings may be permitted. Non-farm dwellings will be limited to single-family dwellings when it is determined that they are compatible with surrounding agricultural activities. The approval of non-farm dwellings shall be based upon compliance with Umatilla County agricultural policies and criteria in ORS 215.284(7) and ORS 215.236. The generally unsuitable clause in ORS 215.284(7) more clearly and precisely defines to assure that new non-farm dwellings are located on non-productive soils of Class VII and VIII. Existing farm dwellings converted to non-farm dwellings will be required to follow the same procedures and standards required for new non-farm dwellings, to assure their compatibility with the adjacent farming activities. There are requirements in the EFU zone intended to help assure that non-farm dwellings will not unnecessarily burden county facilities, will be compatible with agricultural and other natural resource uses occurring in these regions, and that the least amount of area is devoted to the non-farm dwelling.

Umatilla County recognizes that the farmland preservation program can be jeopardized by land use decisions that are not consistent with the intent of the agricultural goals and policies in the plan. Therefore, it is the intent of the county to achieve consistent and objective decisions

based upon adequate findings of compatibility on non-farm uses in agricultural areas. In the North/South County Agricultural Region, non-farm dwellings are considered a secondary use, having a low priority, and represent a potential land use conflict. Where there is a conflict between non-farm residents and farming, the non-farmers are considered the "guests" and are expected to tolerate necessary farm practices on adjacent lands and to control activities on their land so as not to adversely affect effective management of nearby farmland. Signing declaratory statements binding a non-farm use owner/operator from remonstrating against acceptable farming practices is a policy to minimize the above-mentioned conflicts along with careful application on non-farm review standards in ORS 215.284(7).

An important aspect of the agricultural preservation program is the consideration of land divisions that will maintain and continue the commercial agricultural enterprise in the county. In attempting to choose what methods will achieve this objective in the North/South County Agricultural Region, the existing crop characteristics and farm and field patterns, sizes and shapes are being considered. As discussed in the agricultural section of the Technical Report, agricultural land in this area of the county has diverse agricultural activities and patterns and produces a large variety of farm commodities. This diversity and complexity means that the size of commercial agricultural enterprises may be large; but is in scattered ownerships and farmed in separate, identifiable and diverse field patterns. Additional lands are often leased to make up a complete commercial operation. Some crops are irrigated and can constitute a commercial agricultural enterprise on smaller acreage than the larger acreage required for dryland crops. This is particularly true in river and creek drainage and bottom land areas. Livestock ranching adds to the complexities of agriculture by its required leased or other-owned lands of summer pastures away from the home-based farm. Mechanized irrigation also contributes to these complexities by the use of water, which is thought by some to be declining faster than being replenished in some areas of the county. Energy costs are also becoming prohibitive upon current irrigation practices. The importance of irrigation cannot be denied and its future must be carefully considered in agricultural land use policies.

Also adding to the above complexities are such variables as personal desires, individual management techniques due to topography, and man-made barriers such as bluffs, rivers, rock outcrops, roads, railroads and utility lines, capital investment commitments, market conditions, and other unique parcel characteristics all of these factors determine a particular farmer's choice of crops, type of equipment used, and management decisions; and these choices often vary from year to year.

Since there is such diversity in agricultural practices and ownership characteristics, it is impractical to set a strict commercial, minimum farm size that will achieve the agricultural goal's intent in the North/South Agricultural Region. The many variables involved in agriculture and the land ownership patterns associated with it require an approach that allows flexibility in the parcelization and trading of land for farm purposes, yet imposes restrictions and in some cases limitations on new non-farm uses in and around land zoned for agricultural use.

Umatilla County has chosen to establish a

combination of land use measures adopted to and based upon general norms for commercial agricultural enterprises in the North/South County Agricultural Region.

First, land divisions proposed within these two agricultural regions will be facilitated through a matrix review. The matrix will help to explain to partitioning and dwelling applicants the various types of procedures and standards required to receive county approval. The matrix is also designed to show in a convenient and understandable way the flexibility allowed in partitioning for farm-management purposes, yet the protection built into it through a variety of plan policies and ordinance standards dealing with development proposals in these agricultural regions, most of which have been explained earlier. Secondly, measures to insure that proposed partitions will continue the existing commercial agricultural enterprises and will remain in farm use have been adopted. Specifically, any farm partition of 160 acres or larger is deemed to be farm related, will continue the existing commercial agricultural enterprises in the area, and must meet basic ordinance provisions and the intent of ORS 215.243. Some farm partitions and dwellings customarily provided in conjunction with farm use below 160 acres may be allowed only after the applicant provides required information and meets applicable standards.

Several other tests and requirements will be applied to assure that proposed farm partitions will continue existing commercial agricultural enterprises in the North/South County Agricultural Region. Specific examples include meeting the requirements of ORS 215.243, the proposed parcel be of a size and shape for adequate access to and efficient movement upon the subject parcel with farm equipment.

There is also a need to review proposals for dwelling and divisions within areas assigned to the Critical Winter Range Overlay Zone. These provisions are explained in detail within Goal 5 chapters of the Comprehensive Plan and subsequent provisions within the Development Code.

(Ord. 2008-09, passed June 16, 2008)

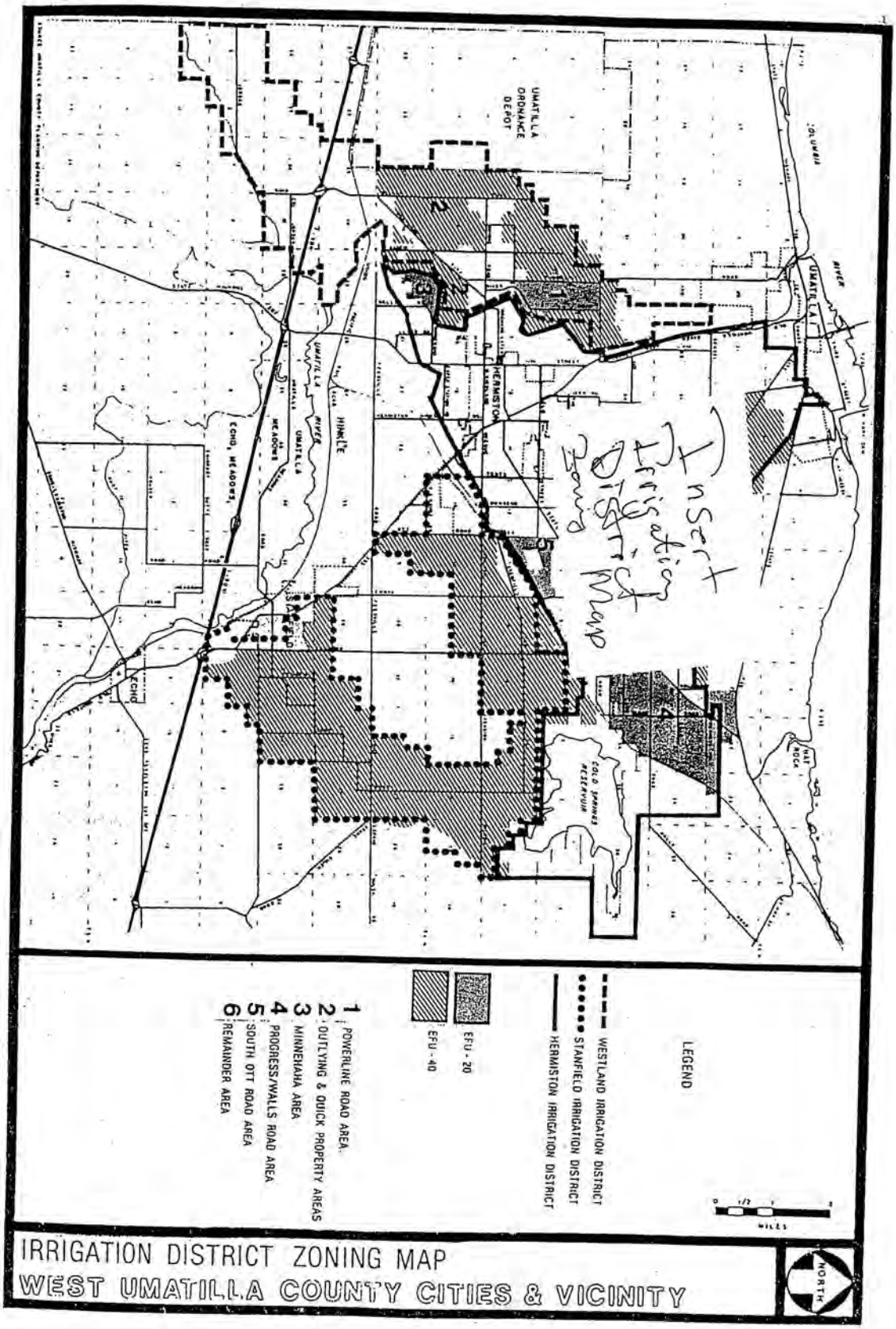
WEST COUNTY IRRIGATION DISTRICTS

The land use designation of "West County Irrigation District" is to be applied to all lands within the Stanfield Irrigation District and to portions of the Hermiston and Westland Irrigation Districts. This designation recognizes a particular situation that exists in these older districts whereby several parcelization patterns have emerged. This designation is applied to the small and medium sized farm enterprises that are on the outer edges of the Hermiston and Westland Irrigation Districts and in all of the Stanfield Irrigation District.

Types of crops and agricultural enterprises taking place within areas designated West County Irrigation District are a mixture of more self-supporting specialty crops like mint, asparagus, melons, and onions, and less cost effective activities such as alfalfa, irrigated wheat, and livestock pastures. These areas are in a transition between Special Agriculture areas having smaller lot parcelization (20 and 39 acres in size) and the larger, more extensive agricultural operations commonly found in the North/South County Agricultural Regions. This transitional progression is the case in areas within both the Hermiston and Westland Irrigation Districts. The progression starts with the city/suburban development phasing into rural residential homes, to Special Agriculture areas, and finally to West County Irrigation District areas which eventually end at the boundaries of North/South County Agricultural Regions. The Stanfield Irrigation District is a unique area from the adjacent wheat/fallow farmland because smaller scale farms are made possible by irrigation and have been the practice for nearly 60 years.

The farm enterprises that exist within the West County Irrigation District areas have parcel sizes of around 45 to 60 acres. Ownership sizes range from 55 to nearly 90 acres. This designation is intended to preserve the existing agricultural' parcelization and enterprises.

A combination of parcel size regulations and non-farm review measures shall be implemented to maintain the existing mixture of part-time and full-time farming operations. However, a 40 acre minimum parcel size will be used as the specific measure to adhere to ORS 215.780. Farm relative or help related dwelling, non-farm uses and development proposals on pre-existing parcels will be controlled in a similar manner as in the neighboring North/South County Agricultural Regions and the Special Agriculture areas explained in previous and subsequent sections.



Map 18-1 – Irrigation District Zoning Map, West Umatilla County Cities and Vicinity XVIII-(28A)

SPECIAL AGRICULTURE

The Special Agriculture land use designation identifies more intensive rural agricultural areas. The purpose of this designation is to identify for special treatment those lands in Umatilla County that are characterized by smaller scale commercial farm enterprises or areas with a mixture of good and poorer farm soils where the existing land use pattern is a variety of medium to small farm units and where normal farm practices and choices are impacted by the presence of some created homesites. This classification is based on the premise that protection of Class I through VI soils in areas of mixed soil classifications is feasible and desirable and that existing and potential productivity of the land resource can be protected. It also recognizes that potential productivity lies mainly in smaller, more intensively managed farms if certain conditions and circumstances change to warrant a conversion of this kind (e.g., mainly markets and improved irrigation technology).

These lands are characterized by a diversity of existing conditions that include:

a. Soils with a mixture of capabilities having fewer crop type choices, sometimes involving specialized crops. Typical soil types are a mixture of Classes III through VI for agriculture.

b. Generally, a mixture of parcel sizes ranging in sizes of 10 and 20 acres and some areas intermixed with parcels of sizes up to 40 and infrequently 80 acres.

c. Existence of, or potential for, hobby or small farming units that are not full-time commercial operations.

d. Special terrain, soil, vegetation or other land conditions, or special land management situations (irrigation) where, in the future, additional small farms with residences could be located without adversely affecting commodity production in the area or negatively impacting overall county production. e. Mostly areas where consolidation of smaller parcels is almost impossible because of numerous individual ownerships.

The types of crops grown in the Special Agriculture areas are predominately alfalfa, seed, grains, small scale livestock operations, pastures and specialty crops such as watermelons, asparagus, onions, and some berries. Most of those areas have water for irrigation but vary in reliability and application methods. Several special agriculture areas are found inter-dispersed within the older, established irrigation districts where delivery systems are in poor condition and water supplies are often unreliable or unavailable for a full growing season. These areas are in a transition from the larger, marginal, more extensive agricultural enterprises to smaller part-time farm units; or are areas unique from the surrounding lands where smaller scale farming has always been practiced. Because of the mixed soil types, poor irrigation water supplies, smaller lot parcelization and existing scattered non-farm development, the few remaining larger scale farm operations in these areas are being phased out. Possible crop selections are limited because of management cost constraints, and other physical and cultural factors work a greater hardship on the farming interest in these Special Agriculture areas than on the better, less restricted agricultural land. Some parcels in Special Agriculture areas are

limited to uses such as horse pasturing. Irrigation operations of the past have been replaced in favor of smaller scale, intensively managed crops (e.g., specialty crops) or part-time farms raising irrigated wheat and alfalfa, and sometimes supporting pastures for livestock.

It is the intent of the Special Agriculture designation to preserve the existing agricultural activities and to recognize and encourage the transition of these lands into a more efficient and intensive agricultural area of special commodity production when conditions permit it. This will be accomplished by discouraging speculation on the conversion of good farmland to homesite development and maintaining these smaller farm units with appropriate and applicable land division rules and other agricultural regulations required in the County's Exclusive Farm Use zone.

When and if to encourage the transition of these lands into more intensive agriculture is difficult to answer. Currently markets, technology, transportation methods and costs do not readily lend an atmosphere for intensive agricultural farming. Conversion costs involved are also not known but are believed to be high at this point in time. However, because significant numbers of individuals in the farming community feel that small, extensively managed farms could be needed and practical in some areas of the County, the possibility to do so should be provided. The rural lifestyle of small farms and a scattering of rural residential homes has also developed in these Special Agriculture areas of the County, which further supports the idea that additional areas could be needed sometime in the future. All Special Agriculture areas have some potential for more intensive, smaller farms because they have some form of irrigation and are already developed into small or tract farms. Therefore, it is the intent of the County, through the Special Agriculture designation, to conduct an on-going study of these areas to develop information on how and when a transition to more intensive agriculture should be initiated.

The sizes of existing agricultural enterprises within the Special Agriculture areas are thoroughly explained in the Technical Report. Most of the East Umapine area as well as several larger site agricultural areas within the Orchards District, several locations within the Hermiston and Westland Irrigation Districts and a small area along McKay Creek, south of McKay Reservoir, have field patterns of about 20 acres. It is the intent of the County to designate these areas "Special Agriculture" (See Comprehensive Plan Map). (Special Agriculture areas in and around the Hermiston and Westland Irrigation Districts were examined, located and designated on the Comprehensive Plan Map in August 1983, and September 1984 when rural residential, urban boundaries and these agricultural areas were determined through the local decision-making process and application of the Exceptions procedure in the State Planning Goal #2.) The Special Agriculture designation is intended to preserve the existing farming activities while encouraging the transition to higher production capabilities through more intensive farm operations where and when appropriated.

Maintaining these existing, mostly part-time farm operations will be initiated through a combination of parcel size strategies and non-farm review measures the same as those required in the North/South County Agricultural Region. Division or parcelization for farm purposes will be minimally regulated to allow normal land

trades, flexibility in the ever-changing farm management practices taking place in Umatilla County, and to interfere as little as possible with farm inheritance planning. Farm related dwellings, non-farm uses and development of preexisting parcels will also be controlled in a similar manner in these Special Agriculture areas as the neighboring North/South County Agricultural Region.

ORCHARDS DISTRICT

The complex nature and sizes of existing agricultural enterprises within the Orchards District are outlined in the Technical Report. The average parcel sizes approximate between 5 and 18 acres depending upon sub-area location within this agricultural district. Ten acre tracts have been the predominant parcel size for fruit orchards since the early 1900's. Depending on the type of fruit being grown and managed, an orchard of 10 to 20 acres constitutes a profitable, full-time commercial unit. In recognition of this higher-intensity agriculture, the Orchards District has been created which allows partitioning of land at a 10 acre minimum, adopted to insure the maintenance of orchard farming. Further explanation of the density and partitioning standards is needed for clarification. It is the intention within the Orchards District Plan designation to maintain an overall density of 10 acres by limiting the total number of parcels partitioned from the original parcel to not exceed one lot per 10 acres of original tax lot area.

Certain lands within the Orchards District not developed into orchards or not suitable to tree fruit production have been included within this 10 acre parcel size because they exhibit a similar 5 to 18 acre typical parcel size pattern. The Orchards District covers most lands in the Pleasant View, Fruitvale, Eastside and Sunnyside areas north of Milton-Freewater, areas of Ferndale and Tum-a-lum neighborhoods, and the Forks of the Walla Walla River, southeast of Milton-Freewater (see Comprehensive Plan Map and Technical Report). A majority of these small non-orchard tracts qualify for farm deferral.

1. Under the Orchards District Plan Map designation, it is the intent to allow some flexibility with regard to providing non-farm dwellings for retired farmers maintaining a retirement life estate, or making use of certain parcels not suited to farming, if found not to be incompatible with farming activities. The criteria to be met for approval of new, non-farm dwellings are: found in ORS 215.284 (7).

The retirement dwelling must meet the requirements of ORS 215.284 (7) and other applicable policies found in the Umatilla County Comprehensive Plan for the placement of non-farm dwellings.

In addition, the creation of new non-farm parcels can occur if the criteria are met as outlined in ORS 215.263 (5).

GRAZING/FOREST (Mountain/Highlands)

Grazing/Forest lands described in the Technical Report, Chapter C, cover the northeastern, eastern and southern areas of the county and are significant to the economic, recreational and environmental character of Umatilla County. This region of the county is best suited and mostly used for grazing. Other forest uses occur here and the area is characterized by varied and rugged terrain, remoteness from urban areas, and generally large ownerships.

Grazing/Forest land in the County provides the resource base for the livestock ranching industry and other forest use activities and industries (e.g., timber management). A majority of the water resources of the county originate in these areas of the county. This area also provides abundant wildlife habitat and areas that are widely used for outdoor recreation.

The forest cover consists predominantly of mixed coniferous species of Douglas Fir, Lodgepole Pine, Ponderosa Pine, Western Larch, and Subalpine Fir. Some deciduous species are found but to a much lesser extent and have very limited commercial value. The intermixture of non-forested areas support many varieties of forage grasses and shrubs and some limited or small inclusion areas of agricultural soils capable of growing field crops and grasses. This variety of vegetative situations characterizes the mixed use nature of this area.

It is the intent of Umatilla County to continue to protect and maintain the above forest and agricultural uses by designating appropriate areas for continued forest, and in particular grazing activities. As discussed in the Technical Report, foothill and mountain grazing/forest areas are sensitive to certain activities. Some non-resource activities, if indiscriminately located, can be detrimental to the long-term conservation of the grazing, timber, and some types of recreational activities and natural resources. Of concern are the possible conflicts that wide-spread, non-forest related homesites could create by their presence on and adjacent to these uses. The overall purpose of land use policies, then, is to discourage incompatible uses while encouraging the multiple uses found in the Grazing/Forest land areas, including grazing and timber land production, farming, watershed, wildlife habitat, recreation and other compatible uses permitted within the state forest and natural resource goals. Agriculture (predominantly livestock ranching) and timber production are similar and usually compatible uses of land. The long-term growth aspect of timber production makes it somewhat different from agricultural production. In Umatilla County, grazing and forestry each have co-existed with minimal conflicts for over a hundred years. Since the difference is minor, a combined plan map designation of grazing/forest can be assigned to lands identified for these uses and also meet state planning goal objectives.

All grazing, forest and agricultural land uses taking place in this area of the county need similar protection from incompatible activities through zoning. Zoning, to a certain degree, influences category assignment of deferral tax programs of which there are two types—the farm deferral program and forest assessment deferral program. Fortunately, these two programs have become more compatible with each other in the last several years, and the switching of one program to the other now no longer carries any tax penalties. To provide needed control over incompatible uses and assisting in keeping tax programs and rates compatible, it is possible to

establish one zone, a Grazing/Farm zone, which can be applied to lands owned, managed, and assessed for timber production and also applied to properties owned, managed and assessed for grazing and agricultural purposes.

In addition to land use controls, all forest management and harvesting activities on non-federally owned lands in Umatilla County shall be conducted according to the rules of Oregon's Forest Practices Act, administered by the State Forestry Department, with recommendations that owners consider varied forest management techniques (i.e., Uneven Age Timber Management, etc.) in areas near or within established multiple use areas, and where tree species permit these kinds of practices. These varied practices allow timber management, yet protect scenic values (e.g., preserve the forest appearance, perpetuate tree canopy coverage for cooler temperatures, and provide a means of fire and disease control; all benefits desired by and in a manner more compatible with second home development). Conservation practices upon the small inclusions of agricultural crop land areas and grazing lands are encouraged to use locally developed Soil and Water Conservation District management programs best suited to their areas and situations.

GRAZING/FOREST DESIGNATION

Land intended and designated as Grazing/Forest is shown on the Comprehensive Land Use Plan Map. This designation is applied to lands in Umatilla County that support a mixture of grazing, forest and agricultural activities. Designated areas are characterized by wide variations in terrain, soil types and land use conditions. These areas are located in the upper foothills and summits of the Blue Mountains and are characterized by steep canyons, broad ridge tops and narrow alluvial creek and river terraces. Wherever the terrain is not too steep and the soils have favorable agricultural capability, the land is typically in farm use. Otherwise, the land is managed mostly for grazing, partly for timber, and for secondary uses like recreation, fish and wildlife habitat, gravel extraction, and watershed management.

Timber productivity and capability varies widely in this county. Because some portions of land can grow some marketable timber, the state forest land goal has been applied. A mixed use forest definition has been applied because the lands within this plan designation are managed for both farm and forest uses. Overall timber productivity is considered poor and/or marginal in the south county, fair in the stringer country of the Meacham area, and fair to good in the northeast sections of the county. The better timber productivity soils are found in the Tollgate area.

The variable terrain and resource capabilities have contributed to the existing land use pattern that is a transition area between the predominantly large scale farms on the lowland to the west and the more productive timber growing and predominate forest use categories on National Forest Service lands in the higher elevations of the Blue Mountains to the east. The west boundary between the agricultural areas and the Grazing/Forest lands was basically drawn using the existing 1972 Comprehensive Plan and zone boundaries. Some adjustment to these boundaries were made based upon new preliminary soils information regarding timber and agriculture capabilities, and the use of the 1977 aerial photography showing existing timber growth and other predominate land forms and uses. Current ownership maps from the Assessor's Office were also used to help firm up the boundary line. In actuality, there is no definite boundary between lands used exclusively for farming and lands dominated by open/timbered grazing of forest uses because there are minor areas that are forested and extend beyond the designated Grazing/Forest areas and into the open agricultural areas, and there are significant farmlands and open grazing areas that are present within Grazing/Forest designated lands.

The area of the county designated for Grazing/Forest is intended primarily for the management of grazing uses. The primary resource land managers or owners are livestock ranches. Timber management also takes place here along with some small areas that are tilled and growing crops. However, the other resource values noted in the introduction above are to be protected as well (e.g., watershed protection etc.). The management of grazing and forest resources requires appropriately designed standards to monitor partitioning and non-agricultural and non-timber related development proposals. This can be accomplished through the use of zoning, minimum parcel size guidelines and standards, and a variety of other measures (e.g., setbacks etc.).

A Grazing/Farm zone shall be applied to all resource uses within this comprehensive

plan map designation—a mixed use forest area. This zone is an Exclusive Farm Use (EFU) adopted by state legislation and designed to be a compatible use zone for most types of resource activities (See Definitions Section for definition of resource activities). With slight modifications to the EFU zone, it will fulfill the stated aim of protecting grazing land, the few small areas of crop land that occur, lands devoted to timber management and to those areas devoted to other forest uses. This zone not only allows the above forest and agricultural uses, but references standards and criteria that shall apply to secondary uses classified as conditional uses to insure that these uses will be in harmony with the adjacent resource activities, and that they will be consistent with the intent of the land use goals in the Comprehensive Plan. Schools, which are permitted in the state EFU zone and in areas designated mixed use forest, are considered inappropriate in this area by area residents and will not be permitted.

Resource dwellings shall be allowed if consistent with criteria in the forest goal and with standards in the Grazing/Farm Zone. If located in a forested area, minimum fire prevention standards will apply. A parcel size minimum is chosen to assist in assuring that a propose dwelling is appropriate to continue the existing commercial agricultural enterprises (e.g. mostly livestock grazing) in this area, or the dwelling is necessary and accessory to a forest use. In areas designated Grazing/Forest, 160 acres will be used as the above mentioned minimum. A 160 acre minimum is supported in several ways by statistical data and management operations analysis in the Technical Report (see Chapter B). Also, expert testimony from timber, grazing, and other forest resource managers agree that a proposed home on 160 acres would conserve and continue existing resource activities in areas designated Grazing/Forest. The Department of Fish and Wildlife also accepts this size as protecting designated Grazing/Forest.

There are some instances, however, due to the disjointed parcel ownerships pattern, where resource dwellings (especially livestock ranching related homes) are found on parcels less than 160 acres. These smaller, isolated or separated parcels are a part of the overall ranching operation. Since there exists other smaller than 160 acre vacant tracts in conjunction with overall ranching operations, the county will permit a new resource dwelling on such a parcel where the owner of the subject parcel owns contiguous or non-contiguous land which accumulatively is at least 160 acres in size, and is in farm or forest use. This provision will allow an existing management practice to continue, it will also facilitate flexibility, and in the process it will permit the continuation of existing resource operations now occurring in this area of the county.

Grazing/Forest policies carefully control the establishment of new, non-resource dwellings and the conversion of existing resource dwellings to non-resource homes. These policies outline standards adopted in the Development Ordinance which are designed to appropriately locate and/or buffer such dwellings so that they will not interfere with nearby resource uses. Further clarification of size and soil management criteria in ORS 215.283 (3) to help conserve agricultural and forest uses are required when non-resource home proposals are requested in this area. Approval will be via a public hearing process to insure involvement of adjacent resource landowners. The same fire safety standards required for resource dwellings locating in forested areas shall also apply to non-resource dwellings if they

are proposed in similar locales. The signing of declaratory statements binding non-resource dwelling owners from remonstrating against acceptable resource management practices is a policy to minimize conflicts along with compliance with non-resource review standards similar to those in ORS 215.283(3) designed to protect not only farming activities but also grazing and other forest uses found within this plan designation.

A very important part of the Grazing/Forest conservation and protection program is the review of future land divisions and how they will conserve forest lands for forest uses or will continue the existing agricultural enterprises occurring within this plan designation. In the Technical Report (Chapter C), it has been pointed out that although there are some similarities with cultivated agriculture (scattered ownerships, a variety of management patterns, etc.), the need for flexibility when considering future partitioning appears to be not as great. However, there are instances where boundary adjustments, which do require flexibility as far as size is concerned, are needed to improve resource management operations, where no combination of tax lots is possible, yet the lot is used exclusively for resource use. The inability to combine tax lots, in particular with adjacent ownerships, is usually because of assessment or mortgage rules beyond County control or authority. So, in this instance, the County will allow a boundary adjustment with adjacent or contiguous resource parcels, provided it is for resource management purposes and that no dwelling be allowed through a deed restriction requirement not to build. Additionally, another deed restriction making the parcel ineligible for sale or transfer to a noncontiguous third party will be imposed. These deed restrictions will apply as a condition of approving the resultant parcels.

Also, these deed restrictions may be removed only upon recombining the subject parcels or lots into one which meets the minimum lot size of 160 acres. Only under very rare circumstances, where strict standards in their Development Ordinance would permit a non-farm dwelling, will the County allow an exception to this no dwelling rule.

Other forest uses are also considered in the Forest/Grazing land use regulations. For example, special provisions pertaining to Critical Winter Range areas found within the Grazing/Forest plan designation are incorporated into the Development Ordinance standards as prescribed in policies in the Open Space/Resources Chapter. Specifically, a 160 acre minimum lot size along with clustering dwellings where practical is adopted at the suggestion of the Department of Fish and Wildlife. Other forest use values such as watershed protection, open space and compatible recreational uses will also be protected through the use of the 160 acre minimum lot size requirement, other applicable standards in the Development Ordinance, and applicable standards in the Development Ordinance, and applicable plan policies (e.g. especially Goal 5 policies).

The Grazing/Forest lands chapter in the Technical Report reveals that there are several major federal land ownerships within the mountainous areas of Umatilla County where the County has little or no jurisdiction. Approximately 315,000 acres are owned and managed by the U.S. Forest Service subject to multiple use sub-district plans. The other major federal land holding is the Indian

Trust Land comprising approximately

13,000 acres which is under the administration of both the Bureau of Indian Affairs and the Tribal government of the Confederated Tribes of the Umatilla Indian Reservation. Both of the above agencies, particularly the National Forest Service whose land the general public has easier access to, provide important public recreational, wildlife habitat, and watershed management and protection opportunities as well as grazing and timber resources. Management decisions or choices on these properties by these agencies can have beneficial or detrimental effects upon all county residents. Fortunately, these federal agencies are in the process of revising or developing management policies. County participation and coordination are considered vital during the time these plans are being developed and also while the plans are in effect. Appropriate policies in the Citizen Involvement section of the Comprehensive Plan address these coordination and participation issues which are so vitally important to all county citizens. Also, policies later discussed within the Public Lands chapter of this Plan Map section outline plan and zoning strategies for state, other federal lands, Tribal Trust land, and the Umatilla Indian Reservation. Of particular note here is the fact that similar grazing and forest lands on the Umatilla Indian Reservation are protected by a 159 acre minimum lot size. This is practically identical to the 160 acre minimum applied to county lands. Compatibility of regulations is important in that a significant portion of the Grazing/Forest area borders along similar type resource lands on the Reservation. A great deal of study went into the development of both lot size minimums that would be effective in protecting this type of resource land. Therefore, the similarity provides further assurance of an effective overall resource protection scheme regulated from two very different political jurisdictions.

Lastly, a 160 acre minimum size will most certainly protect Grazing/Forest lands considering similar lands in Union County are protected with a 80 acre minimum and in Morrow County these lands are maintained by 160 acre minimum parcel size.

GOAL EXCEPTIONS STATEMENT FOR MOUNTAIN RESIDENTIAL (MULTIPLE USE) AREAS

INTRODUCTION

The purpose of this section is to identify mountainous lands in Umatilla County that do not meet the requirements of either Planning Goal #3 (Agricultural Lands) or Goal #4 (Forest Lands). The identification process is called "exceptions" and is required by State Planning Goal #2. Within this section, an explanation of the findings and reasoning which justify that an exception be granted is outlined.

State Planning Goal #2 specifically states that agricultural and forest lands are to be protected for continued resource use unless an exception is taken with findings to justify that lands otherwise suitable for forests or agricultural uses are either committed to non-forest or non-agricultural uses or needed for non-forest or non-agricultural uses.

During preparation of the Umatilla County Comprehensive Plan, it became apparent that many areas in the mountainous areas of the county had already received substantial non-resource development. These lands have largely been sold and have become committed to non-resource uses. The most prevalent non-resource use is the recreational lot with a seasonal cabin or other forms of recreational structures used mainly as a seasonal retreat.

Most mountain residential lots have developed in areas where services are most readily available, especially where improved roads exist. Umatilla County has chosen to emphasize these existing developed areas as the appropriate location for limited expansion of services and facilities desired by mountain recreational residents as well as areas to encourage additional mountain residential development. Development in these areas would permit additional, yet limited, mountain residential development opportunities desired by county residents, while insuring they occur at densities compatible with the rural environment and are consistent with future transportation and utility networks. Development standards, densities and other land use policies to be applied in the different mountain residential areas are discussed in more detail under the section titled "Exceptions Plan for Multiple Use Areas."

METHODOLOGY

To determine where an exception to the state goals is required, it was first necessary to obtain adequate data as to the location of the lands with agricultural and timber capabilities. The technical Report or background information used to develop the Comprehensive Plan contains maps which reflect the information that was gathered, and largely serves the basis by which the county has determined what lands have agricultural and/or forest capabilities.

One of the most difficult tasks in the preparation of a comprehensive plan for the mountainous areas of the county was how and where to assign agricultural or forest land use designations. A considerable portion of this region has an inter-mixture of good to marginal agricultural and grazing lands and good to marginal timber-growing areas.

Complicating the identification process was (and still is) a lack of detailed soils information, which would have permitted better identification of lands best suited to

agriculture, grazing or timber production. General soils information available in most parts of the Mountain/Highlands areas really do not accurately reflect the exact character or capabilities of the soils. Actually there are small pockets of soil with adequate rooting depth for agricultural crops, inter-mixed with some very low to high timber productivity areas which are not identified because of the general nature of the data. To further complicate matters, other soils do not have any timber capabilities which are mostly grazing lands that occur in scattered areas and vary widely in their ability to support livestock.

An example of the difficultly in using the General Soils Association Map is the Gwin-Umatilla-Kahler Association which has some of the best timber-growing capability sites in the county. Yet the approximate percentage of the soils within this association that have this capability is small, about 20%. The remaining percentage is non-timbered grazing lands. This association is rather large and is located in the open forest interface area, making a land use designation boundary difficult.

To Supplement the general soils information, the County Planning Department obtained Assessor's records on lands currently qualifying and receiving farm deferral or forest assessment. This information not only helped locate grazing and timber ownerships but also helped identify likely recreational owners who generally had smaller-sized properties and usually did not receive or qualify for farm or forest deferral.

Valuable information and comments from citizens, citizen committees and property owners in the mountain areas gave a general idea where resource-multiple use boundaries might be formed. Because this information was important and because the county has an active deferral program, it was determined that combining the soils, public comment and farm and forest deferral information would produce a reasonable representation of where grazing and timber lands were in the mountain areas of the county.

Compiling and mapping this data, especially timber productivity information, it became apparent that areas in the Blue Mountains which have some recreation and mountain residential development were going to be in conflict with the requirements of the Forest Lands Goal. So, before being able to decide upon land use recommendations, it was necessary to determine the extent of lands already developed or committed to uses other than forest and to compare the results and areas identified with the aid of public comments, existing Comprehensive Plan and Zoning Ordinance situations, and State Land Use Planning Goals.

Public Lands in the mountainous areas of the county were assumed to be forest lands for the purposes of planning until some other form of land use management agreement is developed.

Using the above information and assumptions, the county was better able to determine mountain resource lands from non-resource land in an objective and logical manner.

EXCEPTIONS ANALYSIS

To determine which lands were already developed or committed to non-resource development, a set of criteria was formulated and applied to general areas around known pockets or regions of vacation home development. The criteria

establishing "developed" and/or "irrevocably committed" to non-resource development was attained in part through citizen comments at public meetings and from several mountain area citizen committees making recommendations on land use needs. Also, comments from various natural resource management agencies were considered to formulate some of the criteria.

Several areas already developed (Meacham, Tollgate) are more extensive than the rest. As might be expected, more citizen and agency involvement and comments were received regarding these two areas; thus criteria used to identify non-resource lands differ slightly.

Mountain lands outside the Meacham and Tollgate areas are considered "developed/committed" to non-resource uses if they are within established mountain recreation areas where concentrations of recreational dwellings or small acreages exist, are areas served by existing federal, state or improved county roads for fire protection and access considerations, are areas having available electricity and telephone utilities, and possess the following characteristics:

Developed Lands Criteria

1. Developed parcels of five acres or less, or undeveloped parcels of the same size when surrounded and intermixed by similarly sized non-resource parcels predominately under different ownerships.

    a. Most all comments received from residents and landowners indicated they felt hat this size and smaller was definitely a non-forest or non-grazing related size, and if found in large enough quantities where existing cabin or recreational development occurred, the area should be considered for uses other than resource activities. This size (five acres) has also been used in approving several recent plan, zoning and land partition proposals for mountain residential development.

2. Subdivisions approved by the county under applicable county and state laws where roads and utilities have been provided, where significant development and lot sales have occurred and where located within an area already developed or committed to non-resource uses.

    a. Subdivisions have for many years been recognized as a planned mountain residential development scheme to accommodate seasonal recreation structures. The above development and locational requirements provide justification for a non-resource classification.

3. Existing commercial and/or semi-public uses related to mountain residential and mountain recreational uses (e.g., lodges, cafes, travel trailer parks, church retreats, speech and other rehabilitation camps) that are located with established mountain residential or multiple use areas.

    a. These uses are almost always near, related to and supported by mountain recreational activities and development. Most of these properties are already developed and are rather small (less than 19 acres in size). Several quasi-public lands are rather large but are either nearly fully developed or are nearly completely

surrounded by other non-resource development. In either of these two situations, a developed category is justified because of the development and/or intermixture with other developed and committed non-resource uses.

4. Parcels in existing mountain residential areas that are larger han five acres, having a density of one recreational cabin per five acres.

   a. This criterion is similar to #1 above, except that in a few instances there are larger lots that have more than one cabin. Example: a 20 acre parcel with four cabins equals a density of one cabin per five acres.

Committed Lands Criteria

1. Developed and undeveloped parcels six to 20 acres in size intermingled with other similar sized parcels under different ownerships.

   a. These sizes are considered somewhat small to be efficiently and effectively managed for timber and particularly grazing, especially when located in potential conflict areas of mountain residential uses and where consolidation of small fragmented lots into more feasible resource sizes is nearly impossible. In other words, there are too many existing or potential restrictions for these parcels to be logically preserved and protected for grazing or forest activities. Commitment of lands to a non-resource category in the above situation is further substantiated by several timber industries and the Department of Fish and Wildlife, whose letters, reports and maps show areas such as these are no longer desirable for or capable of either timber management or necessary for habitat protection (See appendix section for information).

2. For other sized parcels and/or in different circumstances than that listed above, a detailed written report and if appropriate, detailed mapping outlining applicable factors in OAR 666-04-025 and OAR 660-04-028 will be provided to show substantial evidence of commitment. Applying the above set of criteria to mountainous properties outside of the Meacham and Tollgate areas resulted in six sites, comprising 961 acres, as being developed and/or irrevocably committed to mountain residential development. These seven areas and the acreage they encompass are named and listed below in Table 18-1. Following Table 18-1 are a series of statistical findings and conclusions for each of the seven developed/committed areas, specifically explaining why they have been included for uses other than resource activities.

Lands No Longer Available or Feasible for Forest or Grazing Uses

Area Name	*Acres*
A. Battle Mountain	75
B. Lehman Hot Springs	234
C. Poverty Flats	70.7
D. Umatilla River-Bingham Springs	101
E. Upper South Fork of Walla Walla River	22
F. Mill Creek/Special Exceptions Area #1	381.2

Table 18-1 – Lands No Longer Available or Feasible for Forest or Grazing Uses

Area: Battle Mountain

Number of Parcels	17
Average Parcel Size	5.3 acres
Number of Parcels Occupied by Mountain Recreation Buildings	11
Largest Parcel	42 acres
Smallest Parcel	14 acre
TOTAL ACRES	75

Amended April 7, 1988, per LCDC order.

Findings and Conclusions:

1. Located in proximity to a traditional recreation area and other non-resource uses (e.g., existing Battle Mountain Cafe).

2. Selected on basis of parcelization. Ten lots are under one acre.

3. Majority of parcels are occupied by recreational cabins or living units.

4. Improved access road forms logical east boundary line and barrier between most developed lots and State Highway 395.

5. Area between access road and highway is part of a large parcel but is taxed on land value.

6. Area is not in, but is on edge of critical elk winter range.

7. South County Citizens' Committee recommends areas as only one of three sites where mountain residential designations will have minimum impacts upon resource uses.

8. Existing zoning is at a five acre minimum partitioning size.

Additional Justification Required by LCDC Continuance Order Explanation

Factors of OAR 660-04-028 are explained below for the parcels in question in this irrevocably committed exceptions. These facts and findings lead to the conclusion of irrevocable commitment.

Designation and Use

The committed area in question involves three tax lots, three ownerships and approximately 41.3 acres (see Map 18-2Map 18-2 – Exceptions Area, Battle Mountain and Vicinity (XVIII-58A) and Map 18-3. The area is east of Highway 395, approximately 20 miles southwest of Pilot Rock and about nine miles north of Ukiah. Battle Mountain State Park is about one mile north of this area. Tax Lot A is a one acre lot and has a cabin constructed on it. Parcel B is a 20.3 acre parcel, has no development on it at present, and is divided into two pieces by a public road. Parcel C is also a 20 acre vacant parcel and is in joint ownership with the parcel to the south. There is a recreation cabin on the far east end of this larger southern parcel. All of the parcels (A through C) have been used for recreational purposes. The presence of the one cabin on parcel K, five cabins within 1/8 mile to the west and five more cabins 3/4 mile away along Highway 395, attest to the area being recreationally oriented. Parcels B and C have had a long history of continued camping use due to the well-traveled public road and private road systems cutting through them. This public road is the main access road for private cabins found to the east which are on 40 acre "woodlot" tracts dating back over a century. None of the committed parcels have had use for livestock grazing for many years since they were partitioned off into smaller units from the larger southern property because they are so closely associated with the recreation access road and are separated

topographically from the other parent property to the south (see "General Topography Map"). These facts explain parcels B and C's history of recreation use.

Public Facilities and Services - Electricity is available as far east as the cabin on parcel A. This line is a branch off a main line along Highway 395, about 1/2 mile to the west. The main line is oversize and capable of additional service. Phone service is available to the store and restaurant service is possible to the committed parcels under discussion, being readily available a short distance away with extra capacity possible. Gas and grocery service is provided at the Battle Mountain Cafe and gas station.

Adjacent Land Uses - To the west of committed parcels A and B is a 39 acre parcel under farm deferral. A little more than 70% of the property is timbered with 30% in open, rocky terrain. Exact use of the property is not known. To the north of committed parcel B is a large tax lot of 1,468 acres belonging to Cunningham Sheep Company, which graze their land during the summer. To the east of committed parcel C is another larger summer grazed parcel under farm deferral. The parcel is 560 acres. To the south of committed parcel C is the commonly owned 228 acre parcel, which has not had cattle or livestock use for the past 10-15 years. Some timber was harvested from it in the early and mid-1970's. This larger parcel is rather steep to the south (see General Topography Map). This property has had market value taxation for the last 13 years due to previous zoning (five acre minimum lot size) and ownership use preferences.

Resource Impracticalities
The presence of the cabin on parcel A and the five existing cabins to the immediate southwest place innumerable conflicts upon normal timber management practices of slash burning, spraying, clear-cutting, thinking, etc., if practiced on parcels B and C. Parcel B is only 20 acres in size and not conductive for an effective, economical timber operation. Timber industry testimony indicates that a parcel of this size with the nearby conflicts or recreational homes is not desirable to manage for timber. There are just too many conflicts to deal with (see Boise Cascade letter in the appendix). Parcel C being in the same area has the same negative timber management conflicts (even though it is jointly owned with the larger parcel to the south). Its history of recreation use further testifies not only to the influence of nearby recreational development but also to the potential conflicts if timber management were to have taken place on it. Parcel B is also too small for grazing livestock. The owner purchases it for recreation from the owner of parcel C because that has been its use for many years, but also because this area was an isolated corner of the overall unit where too many conflicts with adjacent recreational uses existed. Now that it is in a separate ownership of 20 acres, leasing or buying such a parcel as a separate unit for grazing purposes wouldn't be a manageable unit because it is too small and of uneconomical size, nor would it be a desirable parcel for consolidation with adjacent summer grazing land to the north because of the above mentioned conflicts and surely higher purchase price.

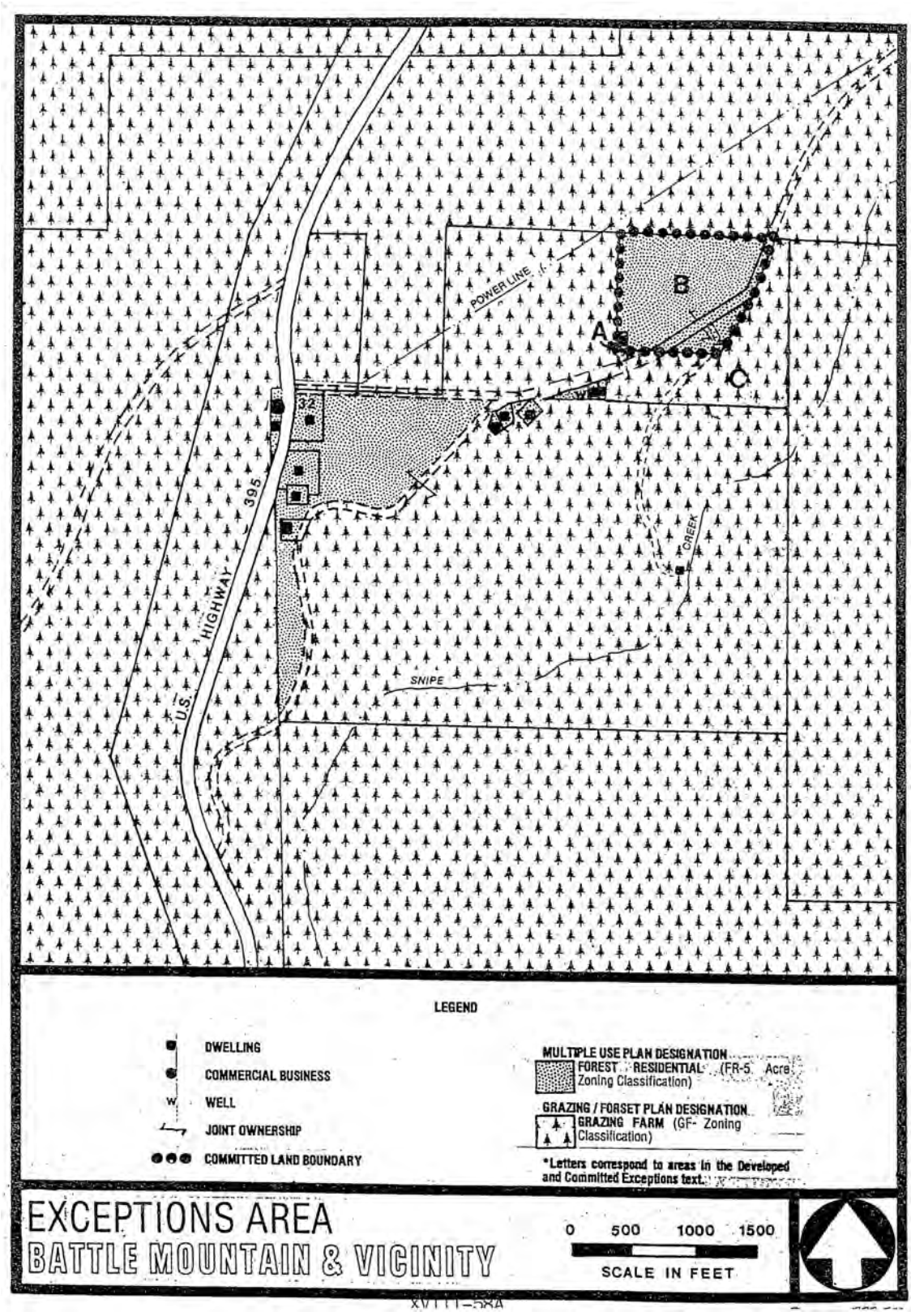
Compatibility
Since the area has been historically used for recreational purposes (the cabins on adjacent parcels and the one on irrevocable committed parcel A, the historic and continued use of irrevocably committed parcels B and C for summer camping, fall hunting and other recreational pursuits, the general topographic separation from nearby

resource parcels), the allowance of approximately five to seven more recreational dwellings by the five acre density regulation would be compatible with existing uses taking place within and adjacent to the subject area. If utilities and other services are desired, they are readily available and would not over capacitate existing systems. The area is very accessible being only 1/2 to 3/4 mile from the main highway.

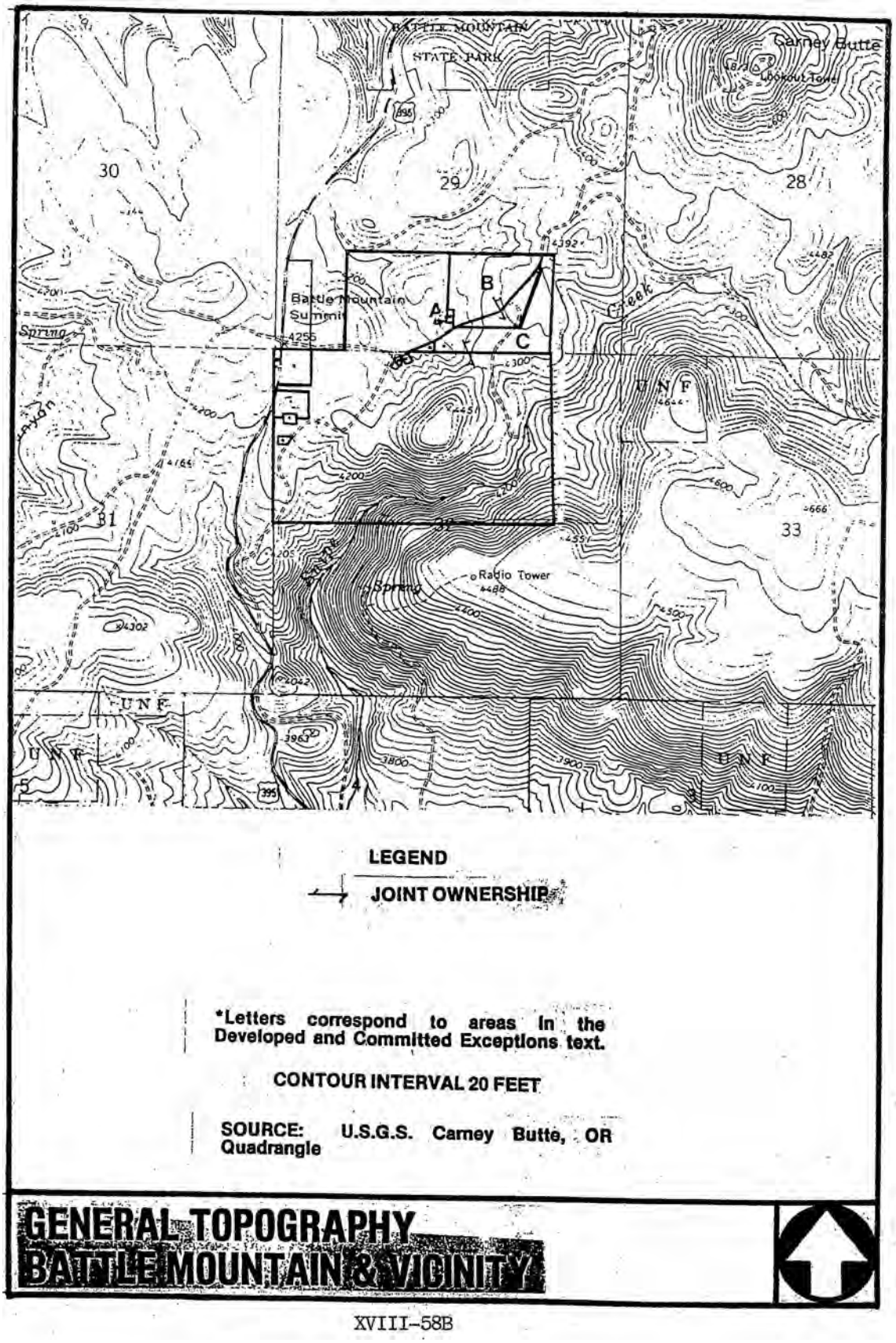
The impacts then, upon adjacent properties at maximum development, will not have negative impacts upon their continued resource/recreational use because of the limited and insignificant number of dwellings that could be placed in this small, compact and topographically separated area.

Requirement—Rural Residential Areas
Rezone the following parcels to resources zones: Battle Mountain parcel C and the remanded ares of Tollgate.

County Response
(See April 7, 1988, Response for LCDC r.e. Goals 3, 4) The Court of Appeals remanded parcel C of the Battle Mountain exception which is located south of Pilot Rock and about one mile south of Battle Mountain State Park. The County and the property owner agree that further justification of this parcel is not warranted and; therefore, have replanned and rezoned the parcel consistent with Goals 3 and 4.



Map 18-2 – Exceptions Area, Battle Mountain and Vicinity (XVIII-58A)



Map 18-3 – General Topography, Battle Mountain and Vicinity (XVIII-58B)

Area: Lehman Hot Springs

Number of Parcels	16
Average Parcel Size	n/a
Number of Parcels Occupied by Mountain Recreation Buildings	10
Largest Parcel	n/a
Smallest Parcel	.06 acre
TOTAL ACRES	234

Findings and Conclusions:

1. Developed area consists of 14 lots of which 10 private homes are built, along with a hot springs pool and associated buildings. Committed area includes infra-structure for a three-phased, 344 unit travel trailer park plus the remaining acreage confined to and between existing roads and the lesser productive timber lands.

2. Developed/Committed area has had a long, historic use of recreational activity as far back as the 1860's, supporting a Developed/Committed classification.

3. Other development on the property includes an old dormitory, house and outbuildings associated with the hot springs. The old lodge building burned down several years back.

4. Property has had statewide recognition as a major resort as per testimony from the past director of the Department of Economic Development. The site is located between La Grande and Pendleton, drawing clientele from a wide area

5. Paved county road, over-sized electric and telephone service and the hot springs provide adequate services and amenities to the area, which additionally shows commitment of the area to the existing recreational uses here.

6. Commercial timber management has been minimal on this property because of many years of nearby recreational use. Timber productivity is very low, less than 25 cu/ft/ac/yr. Livestock grazing on this portion of property holdings has been minimal for similar longstanding recreational-resource use conflict reasons. No valuable resource lands would therefore be taken out of production.

7. Developed/Committed area is not within critical elk or deer winter range area, nor considered by Department of Fish and Wildlife as available or valuable to conserve for resource/wildlife/fishery uses.

8. Plan policies require clustering of development on the larger multiple use tracts such as this one. Development on the remaining committed land will then be required to appropriately site recreational uses away from adjacent resource lands.

9. The property is a unique recreational area and one of only three locations in the entire south county region for multiple use purposes. Additional development here will help direct recreational pressure away from the more productive grazing and forest lands further north.

Additional Justification Required by LCDC Continuance Order Explanation - Applicable factors listed in OAR 660-04-028 are described in detail below and supplement the preceding findings and conclusions that the land under discussion can no longer be utilized for resource purposes and is in fact irrevocably committed to recreational uses. Map **18-4** and Map 18-5 on the following

pages show in greater detail the area of commitment.

Description and Use - Lehman Hot Springs is located approximately 13 miles east of Ukiah, or just south of Highway 244 in southern Umatilla County. The irrevocably committed portion includes a 2 34 acre tax lot. Recreational use of the area began as early as the late 1860's and has continued on through to the present. Within the committed parcel is a developed area (3 acres) consisting of 13 private lots of which 10 have cabins (see Exceptions Area Map **18-4**). Other recreational development now existing on the committed parcel includes: (1) Four cabins and eight trailer sites just south of the hot springs pool; (2) A dormitory, church chapel, and several structures associated with the hot springs to the northwest of the pool; (3) Approximately 28 to 30 existing picnic areas and campsites west and northwest of the private homes; (4) A just completed refurbished hot springs pool meeting stringent state health requirements; (5) Recently poured foundation near pool for dressing rooms; (6) The initial development of a 344 unit travel trailer park north of the pool with completion so far of infrastructure installation of a sewer system with a sewage lagoon, manholes, spray field area, a water system including laying o piping and the blading of an interior road system; (7) A developed spring and existing water line in the northeast part of the property used for incidental recreational water supply purposes for campers and recreationalists.

Public Facilities - A paved, two-lane, county road (County Road #1455) serves as the main access road for both the committed parcel and interior developed parcels. It is approximately one mile in length and connects with State Highway 244, the main route between Ukiah and La Grande. A partially graveled county road (County Road #1454) provides access to the eastern portions of this committed parcel. Another basic improved road connects into County Road #1455 at the extreme northwest corner of the property, but is only a secondary access. There are several other existing interior roads that traverse through the south, east, north and west parts of the committed parcels serving the existing campsites or as maintenance roads for the various facilities. An over-sized (extra capacity) electric line and 50 pair telephone line serve the 10 private cabins and the other recreational homes and structures associated with the hot springs property. Also, touched on earlier are the recent (1982-84) installation of a sewer system (water and road systems) that will serve the travel trailer park. The owner of the committed parcel also has a contract with the Ukiah Rural Fire Department for fire protection services.

A major power transmission line runs through the middle of the committed parcel that serves the area and Frazier Campground and cabins to the east.

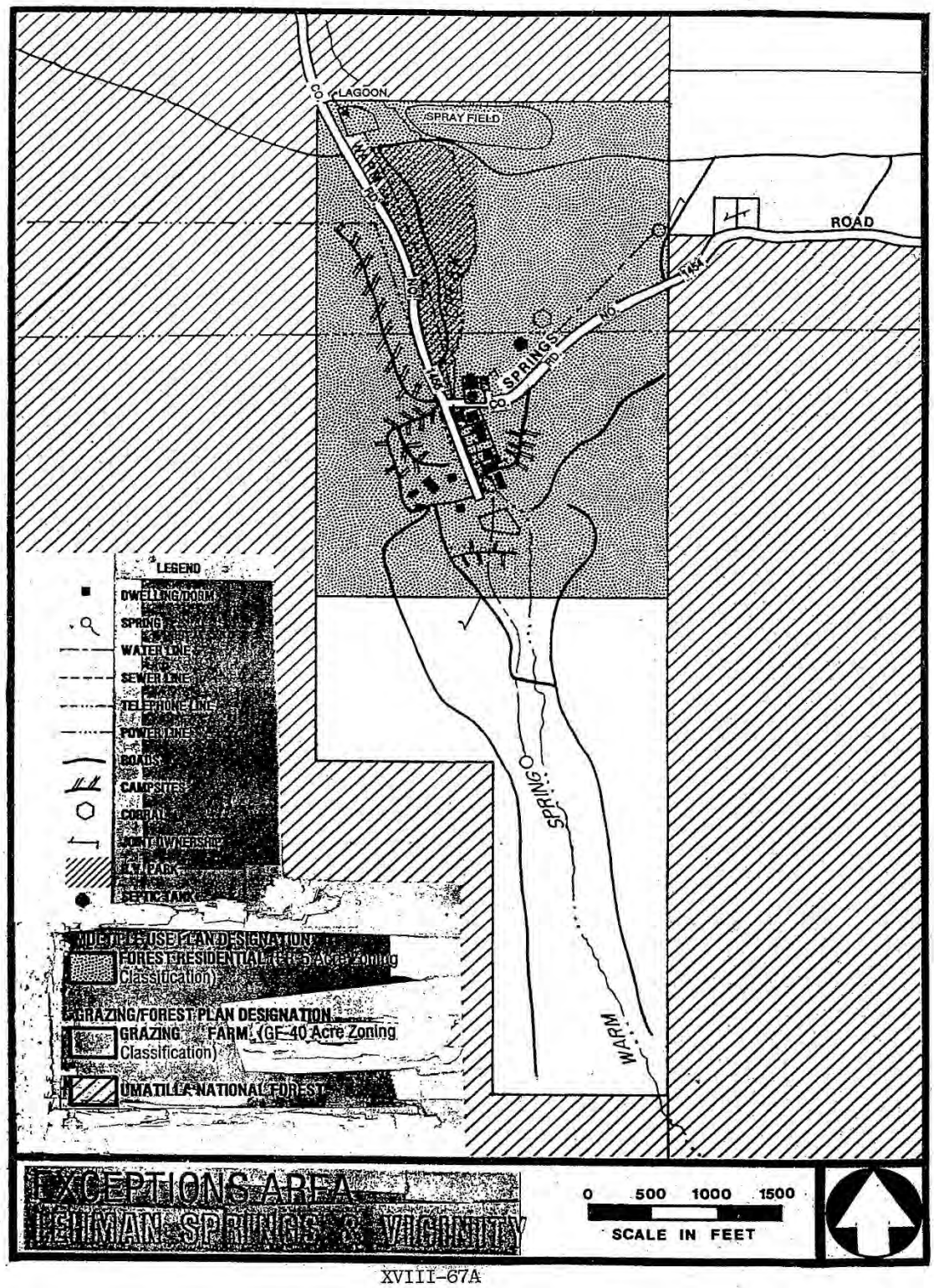
Adjacent Land Uses - National Forest land borders on the west, north and southeast of the subject committed parcel. These are very large, contiguous parcels exceeding 12,000 acres. Directly south is a 160 acre tax lot in common ownership with the committed parcel under discussion. An 80 acre and two one-acre tracts to the northeast are also under the same ownership as the committed parcel. Both of these similarly owned parcels are undeveloped. A 79 acre tract north of the previously mentioned 80 acre tax lot belongs to a large ranching outfit and has a summer living quarters on it. Approximately 3/4 of a mile to the northeast on Forest Service land is a Forest Service camp called Frazier Campground. There are

3 0 camping places for tents or trailers and 11 picnic tables here.

Resource Incompatibilities - The extensive development involving between 140 to 160 acres on this 234 acre parcel precludes practical long-term use of any resource management. There are simply too many management incompatibilities with all of the recreational improvements described above. Cattle grazing on the remaining areas of the committed parcel would require large acreage to make it practical for livestock ranchers to herd their stock many miles from the home based ranch. They certainly would be very reluctant to do so on small scattered parcels where complaints are highly likely. Timber management would even be more impractical mostly because aesthetic settings would be ruined which is the very reason why recreational development has existed for so long on the property. Selective cutting and intensive management to protect the aesthetics would also be impractical because the south county mountain area has marginal timber growing productivity of 25 cu/ft/ac/year. To efficiently manage the remaining, scattered, timbered areas on this parcel would require clear-cutting, slash burning, log-hauling, noise and dust, all of which would create compatibility problems with the hot springs pool, travel trailer park, picnic areas and the other associated development.

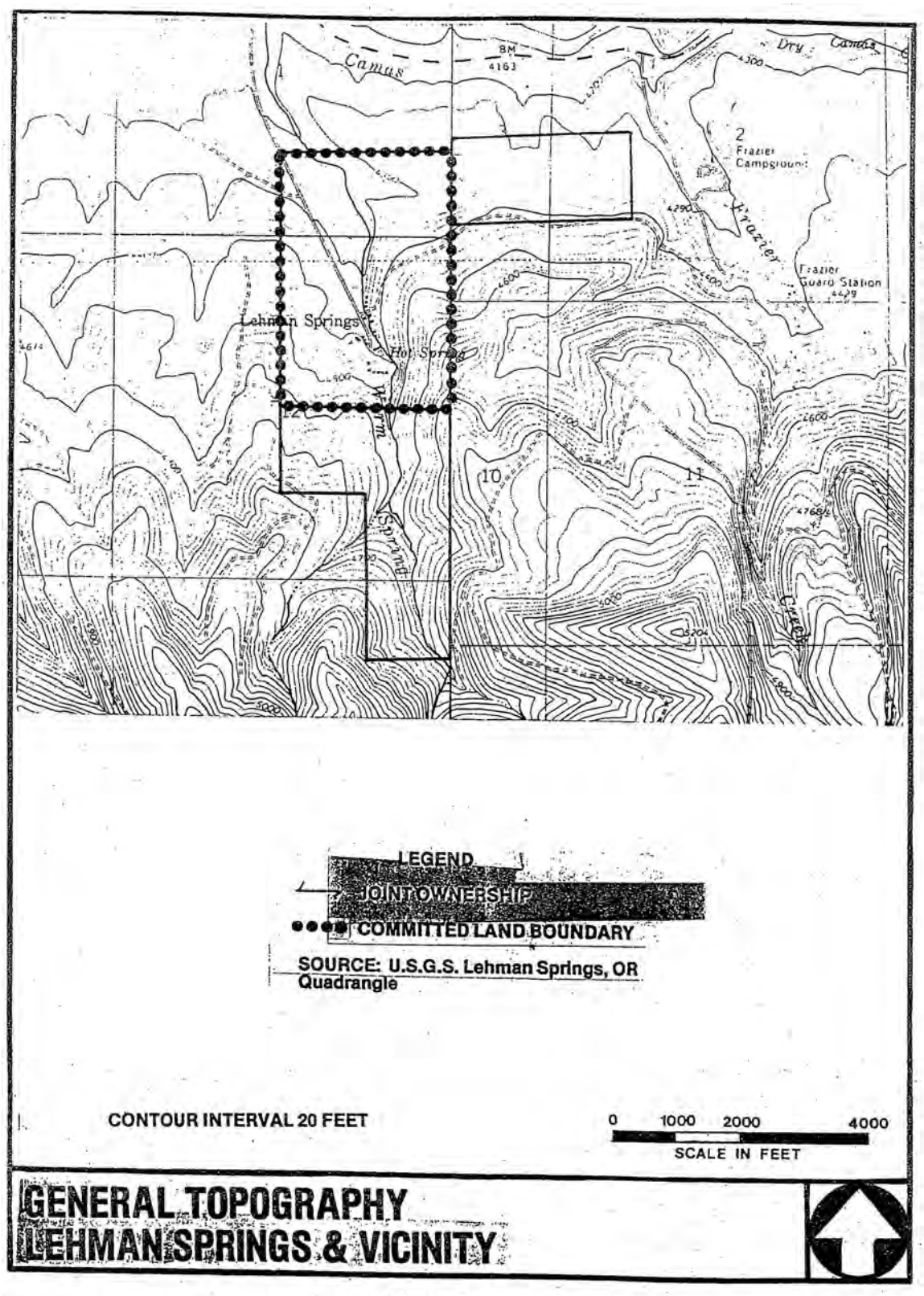
Recreational/Resource Compatibility - There are several factors which assist in the overall area compatibility scheme that meet committed criteria in OAR rules. First, steep topography effectively buffers the southeast corner of this tax lot from adjacent National Forest land (see General Topography Map 18-5). The southeast area is where additional development would likely occur. The topographic difference would effectively buffer the two potentially conflicting areas. Secondly and most importantly, plan policies require parcels of over 55 acres in multiple use areas to develop under the cluster development regulations in the Development Code. The provisions within cluster development regulations assure that compatibility is maintained through special setbacks when compatibility issues are discussed prior to development approval. This policy requirement applies to all the remaining areas of potential development, thus assuring that overall development will be compatible with all surrounding resource parcels. Thirdly, any new recreational development would be compatible with existing utilities and roads that have extra-capacity capabilities. Lastly, the cluster development regulations require fire safety protection provisions, further assuring that additional development will be compatible with adjacent lands.

Regional and Neighborhood Characteristics Another factor of commitment in OAR 660-04-028 that applies to this parcel is the regional perception or recreational characteristic of the site. The property has been used for over 100 years by many local as well as out-of-county residents that came to enjoy the hot springs, camping and other facilities. This parcel has co-existed with National Forest and other resource parcels for all these years without difficulty. Very little resource activity has ever taken place upon the parcel because of its long, historic use for recreational use, and virtually no likelihood of this type use in the future will occur for reasons explained earlier. When people hear of Lehman Hot Springs, a majority understands or thinks of recreational activities.



XVIII-67A

Map 18-4 – Exceptions Areas, Lehman Hot Springs and Vicinity (XVIII-67A)



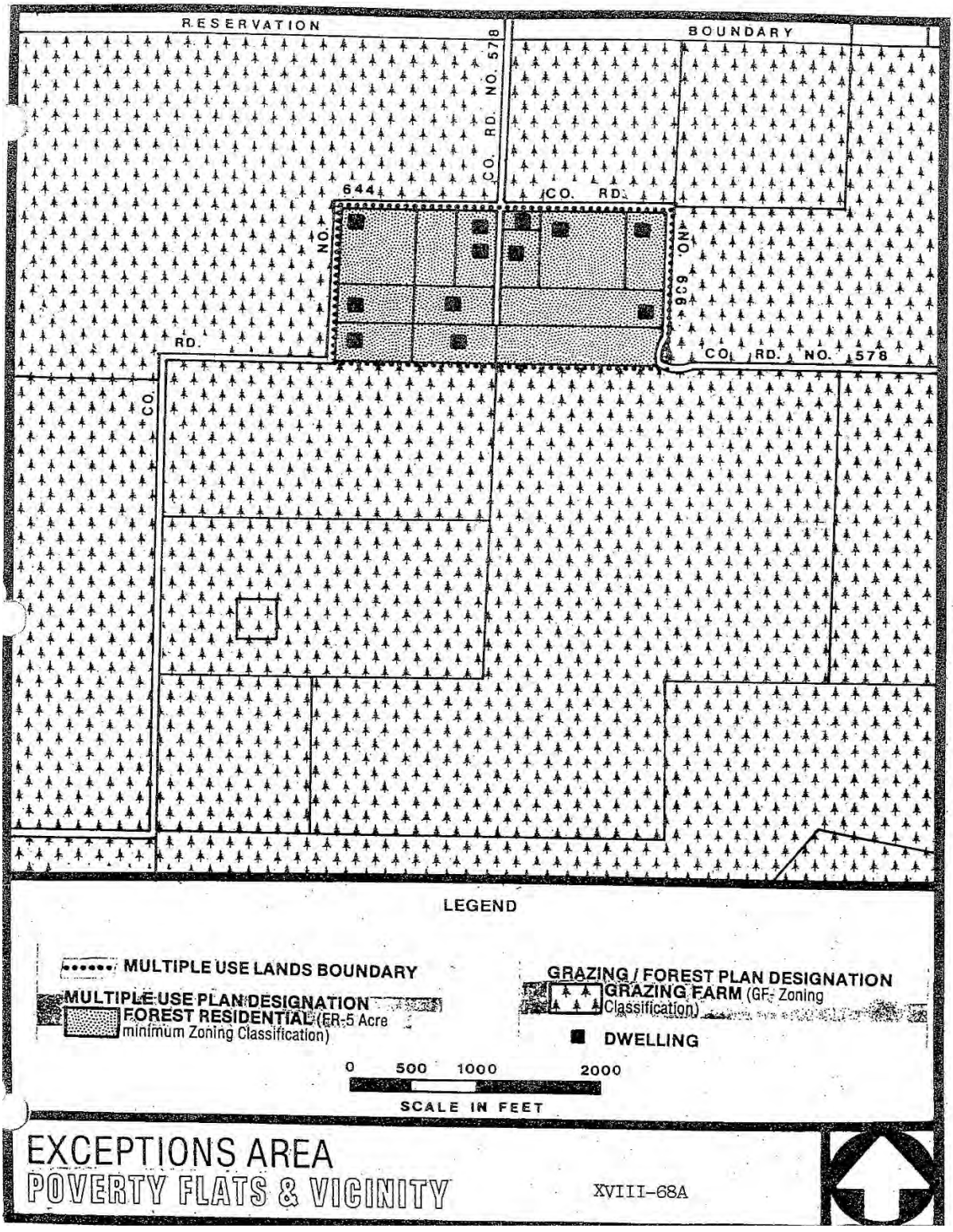
Map 18-5 – General Topography, Lehman Hot Springs and Vicinity (XVIII-67B)

Area: Poverty Flats

Number of Parcels	14
Average Parcel Size	5.1 acres
Number of Parcels Occupied by Mountain Recreation Buildings	11
Largest Parcel	9.7 acres
Smallest Parcel	.7 acre
TOTAL ACRES	70.7 acres

Findings and Conclusions:

1. Classified developed/committed on basis of small parcelization.
2. Majority of parcels are occupied by a recreational dwelling.
3. Access from Freeway (1-84) via improved gravel county road.
4. Not in or near critical elk or deer winter range.
5. Almost all lots are taxed on recreational land values.
6. Zones since 1972 for recreational uses at five acre density.



Map 18-6 – Exceptions Areas, Poverty Flats and Vicinity (XVIII-68A)

Area: Umatilla River - Bingham Springs

Number of Parcels	14
Average Parcel Size	2.4 acres
Number of Parcels Occupied by Mountain Recreation Buildings	10
Largest Parcel	22 acres
Smallest Parcel	.1 acre
TOTAL ACRES	101 acres

Findings and Conclusion:

1. Located in proximity to a predominance of non-resource uses including historic Bar M Dude Ranch.

2. Area near Bar M Dude Ranch (Bingham Spring) is on old recreational subdivision with very small lots and nearly half developed.

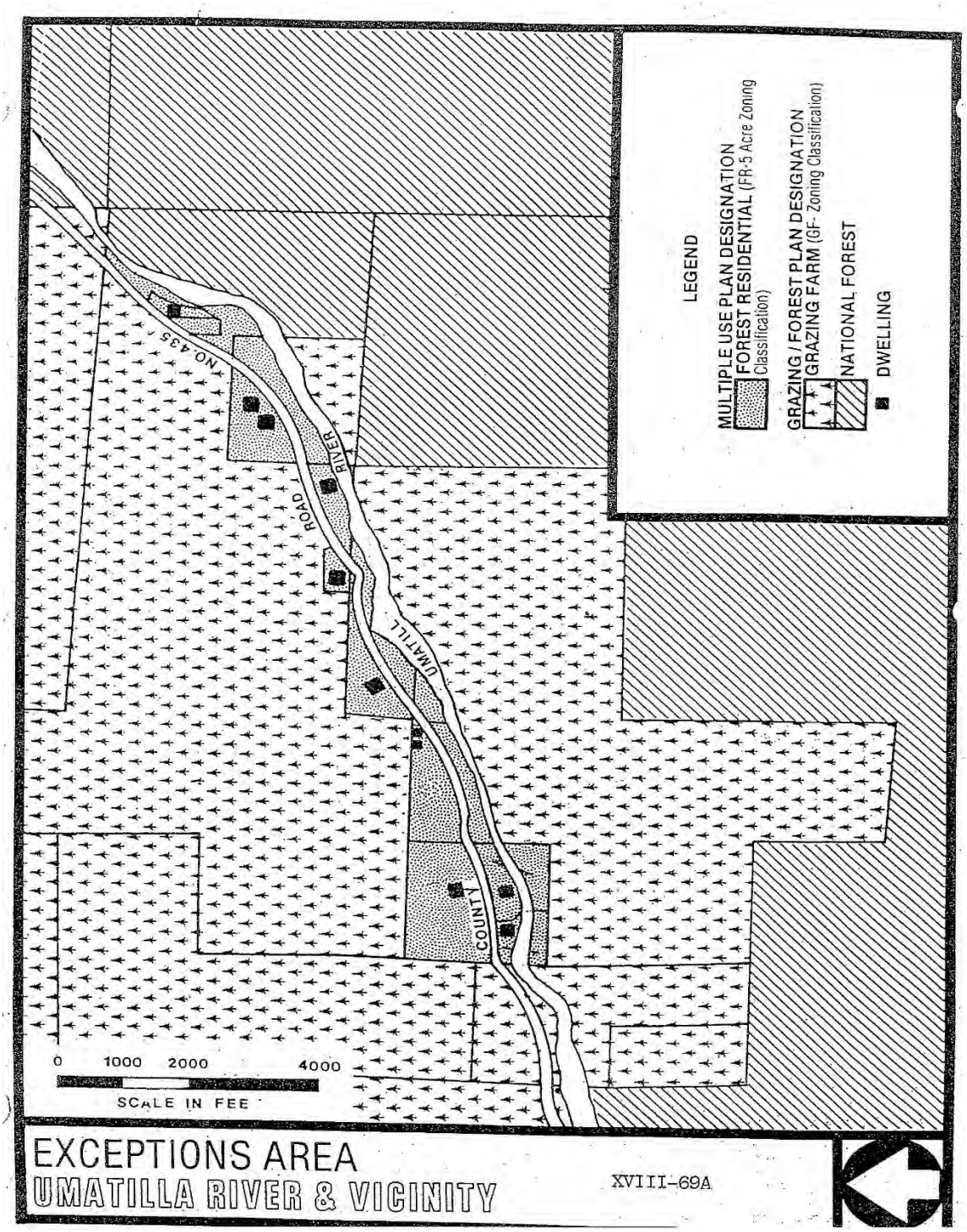
3. Umatilla River area has 11 lots averaging 11 acres, and over half are occupied by mountain residential dwellings. Both sub-areas in this unit have good access onto an improved county road.

4. Both areas are in a canyon floor and somewhat topographically separated from resource uses.

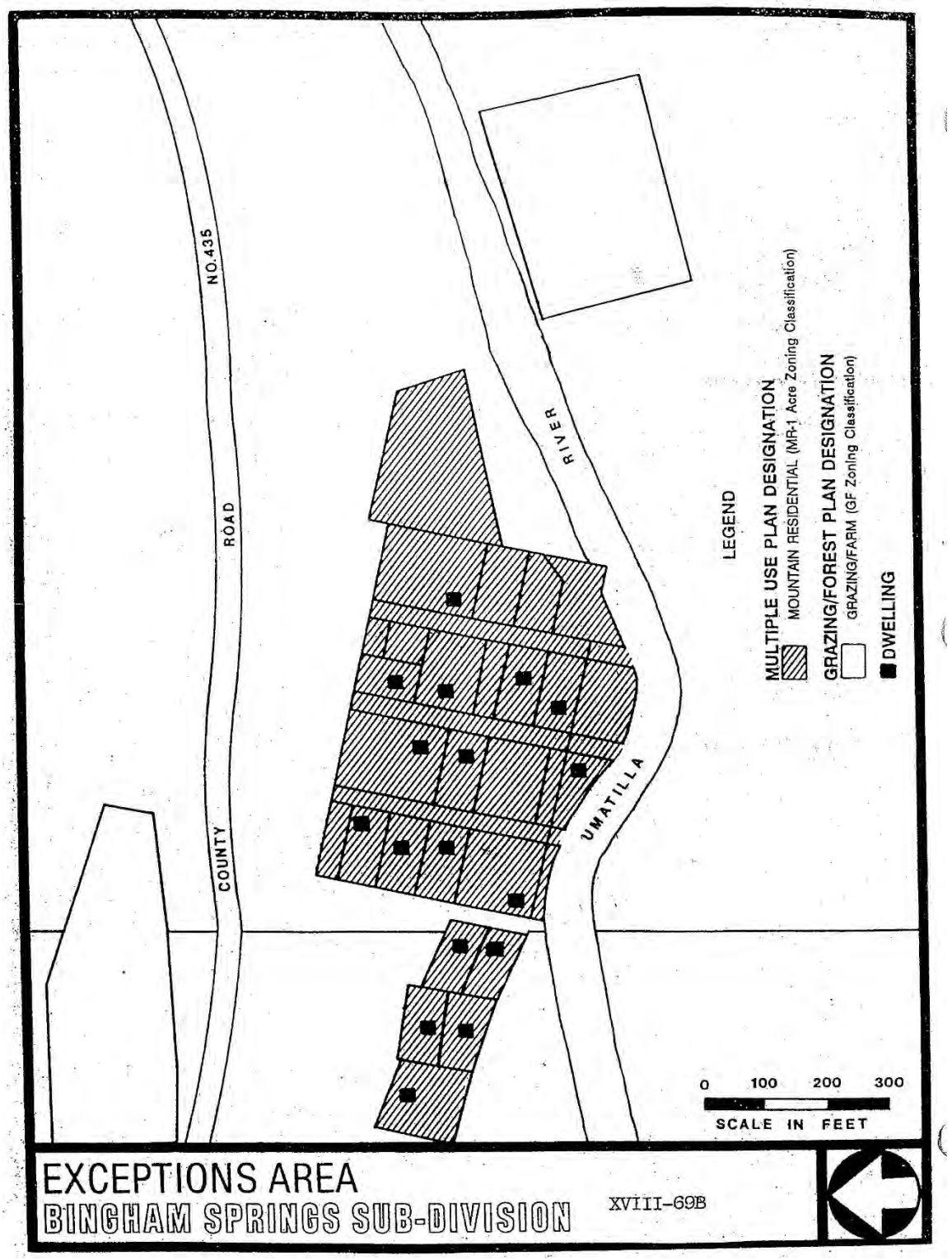
5. Umatilla River and county road bisect lots further restricting use as commercial timber land or good grazing lands.

6. All lots have been zoned for recreational and vacation home uses since 1972.

7. All parcels are taxed according to market value and not on farm or forest deferral.



Map 18-7 – Exceptions Area, Umatilla River & Vicinity (XVIII-69A)



Map 18-8 – Exceptions Area, Bingham Springs Subdivision (XVIII-69B)

River Area: Upper South Fork of Walla Walla

Number of Parcels	23
Average Parcel Size	.09 acres
Number of Parcels Occupied by Mountain Recreation Buildings	19
Largest Parcel	4 acres
Smallest Parcel	.2 acre
TOTAL ACRES	22 acres

Findings and Conclusion:

1. Numerous small parcels places area under developed/committed category.

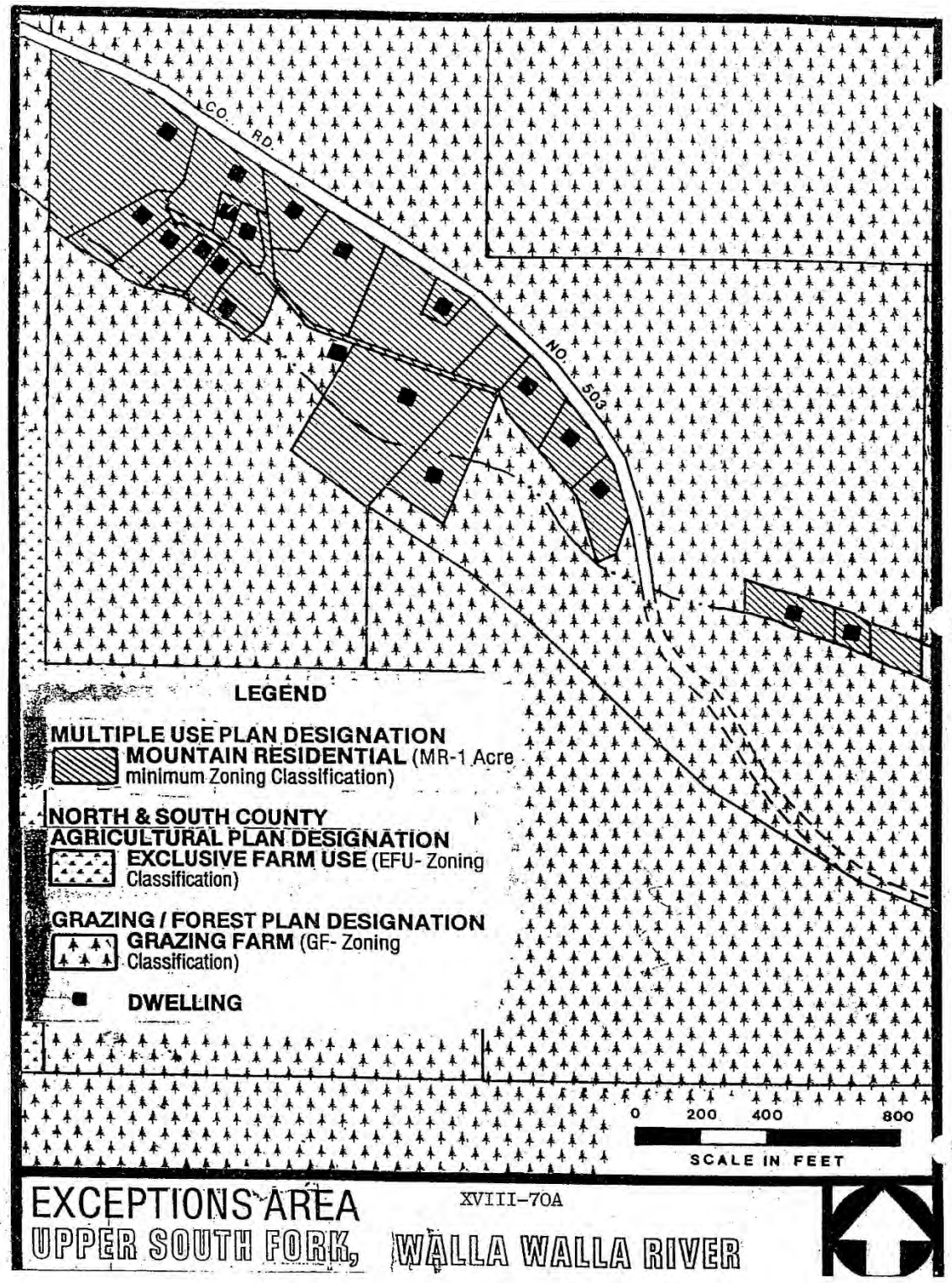
2. Almost all lots are occupied by a recreation cabin.

3. Improved county road provides ingress-egress and emergency access to lots.

4. All lots are and have been taxed based on recreational values.

5. Located adjacent to other non-resource uses such as Harris Park and is in bottom of river canyon, topographically separated from resource uses.

6. Zoned since 1972 for recreational dwelling use recognizing existing development.



Map 18-9 – Exceptions Area, Upper South Fork, Walla Walla River (XVIII-70A)

Area: Mill Creek

Number of Parcels	140
Average Parcel Size	2.0
Number of Parcels Occupied by Mountain Recreation Buildings	80
Largest Parcel	34 acres
Smallest Parcel	1 acre
TOTAL ACRES	281.2

Findings and Conclusions:

1. Placed in Developed/Committed lands category because of parcelization.

2. Three platted subdivisions, all partially developed, make up a majority of the lots.

3. About 57% of the lots are developed.

4. Improved county road provides access to most lots.

5. In canyon bottom and partially buffered form resource lands.

6. All parcels are taxed on recreation values instead of resource deferral.

7. Floodplain and isolation from most county services necessitates a minimum lot size that will insure limited and controlled growth desired by area residents and property owners.

Additional Justification Required by LCDC Continuance Order Explanation - The following irrevocably committed exceptions statement outlines appropriate findings in OAR 660-04-028 to justify commitment for recreational use and why the forest lands goal can no longer be applied. Parcels described below involve the last nine properties furthest east and mostly north of Mill Creek Road. All nine properties are included in the Mill Creek Developed/Committed Exceptions above.

Description and Use - The committed area in question involves private property situated in the far east end of the Mill Creek recreational area between the extensively developed area to the west and the National Forest Boundary to the east. Mill Creek is about eight miles southeast of Walla Walla, Washington and 15 miles east of Milton-Freewater, Oregon. Properties involved are found on both the north and south sides of Mill Creek Road. Total acreage approximates 105 acres and represents nine tax lost and eight owns (see Map 18-10 titled "Committed Area -East Mill Creek and Vicinity"). All parcels were split out many years ago (1930's, 1940'sj and have or have had recreational cabins on them. Parcels C, E and F have five recently constructed cabins on them. Associated recreational improvements include a graveled access road north off Mill Creek Road to a developed spring and cistern on parcel B where a cabin is anticipated to be moved onto it. Another spring (undeveloped at this time) is on parcel D (see same map). The remaining parcels have been used at various times by their owners as camp sites and for their summer recreational pursuits.

Public Facilities and Services - All parcels have access off of Mill Creek Road. It is a graveled county road with an improvement width adequate for two travel lands and shoulders. Electric service is in the area and available to all parcels (main lines along Mill Creek Road). Power is provided to the three cabins on parcel I. Community water supplies are available from the City of Walla Walla water system that runs along Mill Creek Road and serves parcel I cabins as well as those cabins downstream.

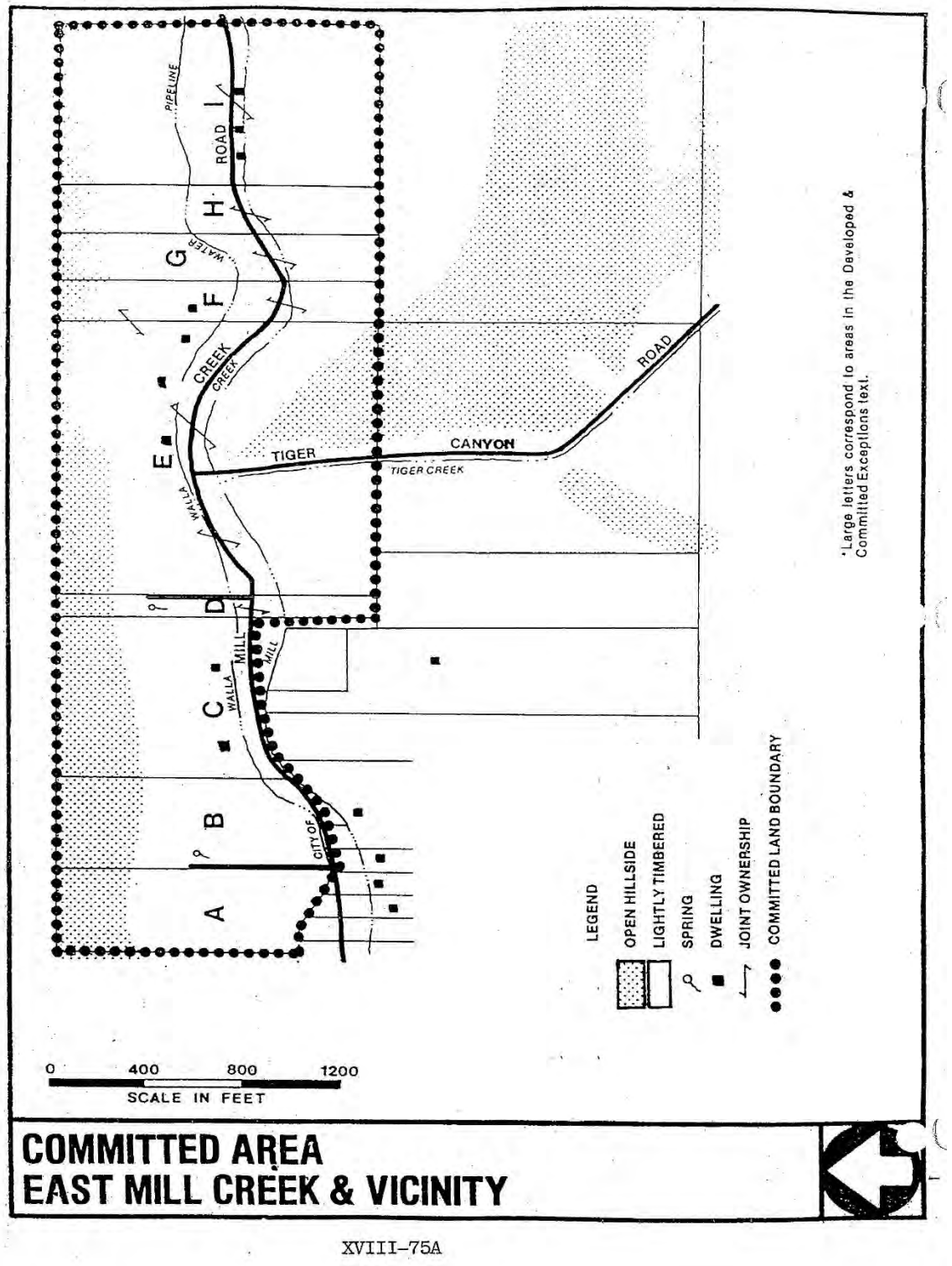
Adjacent Land Uses - Parcels A, B, and C

have recreational cabin development on their south property lines. Parcel H has three cabins on its east property line. Steep, mixed timbered and open hillside areas of the National Forest borders along the south borders of parcels F, G, and H and on both the south and east lines of parcels I. Private property, in steep, open hillside with isolated tiny spots of timber in draws border on the north of parcels A, B, C, D, E, F, G, H, and I.

Resource Restrictions - The presence of three cabins on parcel I and six cabins C, E and F and other incompatible recreational development immediately adjacent to parcels A, B, and C renders resource use of this area no longer practicable for resource purposes. Various improvements anticipating recreation use such as access roads and spring development (cisterns and water pipelines) for domestic water further complicate the conflict aspect with existing recreational uses and normal resource management practices. Besides the conflict issues, the small sizes, narrow configuration, spotty density of timber and steep, rocky, open areas and numerous drainages found intermixed throughout the area are not qualities associated with timber or grazing lands. Parcels D, E, F, G, H and I are even further divided into even smaller impractical resource units by Mill Creek, Mill Creek Road, and steep topography.

Compatibility - The extensive development of cabins (over 85) along the Mill Creek canyon bottom (including parcel I in the extreme east end) dictates this type of use throughout the remaining vacant parcels. The applied five acre density zoning along with steep topography effectively limits and directs development of areas where recreational uses now occur and where this development would have no impacts upon private resource or public owned lands because it should be buffered or separated. Approximately five additional cabins at the most could be sited in this committed area considering terrain, road and creek locations. This amount can be easily accommodated within the existing road, utility and water systems that now serve the above mentioned 85 plus recreational dwelling development. An additional five recreational dwellings would be a rather minor addition to the overall development pattern and therefore compatible with it.

Regional/Neighborhood Characteristics - The overall development pattern of Mill Creek dictates that Goals 3 and 4 can no longer be logically applied to these irrevocably committed parcels. Any type of resource activity, which has been earlier shown to be impractical due to size and land characteristics, will be negatively impacted by aesthetic needs of the nearly 90 existing recreational home owners and the other possible homeowners with vacant lots in the general area. Also supporting a regional recreational commitment rather than a resource protection plan is the fact that these properties have had a long history of recreational use not showing up in the form of development (one cabin lost to fire on parcel A) and also in the form of camping, hunting, fishing, motor-biking and other recreational pursuits available in the Mill Creek area.



Map 18-10 – Committed Area, East Mill Creek & Vicinity (XVIII-75A)

Area: Mill Creek (Special Exception #1)

Number of Parcels	5
Average Parcel Size	20 acres
Number of Dwellings	17
Largest Parcel	45 acres
Smallest Parcel	.3 acre
TOTAL ACRES	100 acres

Findings and Conclusions:

1. Improved county road provides access to parcels.

2. Area lies in canyon bottom up the hillside, but still below resource lands.

3. Area consists of south facing slopes which are not as productive as other lands farther up the hillside or on north facing slopes.

4. Lands lie between developed areas along north side of county road and within 1/4 mile of the road.

5. Area contains five or six benches of land suitable for development, while most of the land consists of steep slopes.

6. All parcels have developed lands on at least two sides and usually three sides, committing the poorer productive, sparsely used south-facing slope areas to multiple use activities.

7. Land has been zoned and taxed as F-5 Forest (five acre minimum) since 1972, which is the same zoning as the land in the subdivisions which have several dwellings on them.

Additional Justification Required by LCDC Continuance Order Explanation - This irrevocably committed exceptions will provide applicable findings of facts as required in OAR 660-04-028 and applies to the properties described above plus several parcels not previously noted (parcels B, C, and D on Map 18-11 titled "Committed Area - Special Exceptions #1, Central Mill Creek and Vicinity".) Several parcels originally included in the Mill Creek Developed/Committed exceptions identified on the map titled "Exceptions Area" as parcels D and G.

Description and Use - Approximately 100 acres is encompassed in the irrevocably committed lands under discussion. There are four individual tax lots plus portions of two other tax lots involved. Two tax lots are owned by individual non-related persons (parcels B and C). Parcels B and C are in common ownership and involve two .33 acre lots. Parcel C has a recreational dwelling sited on it. Parcels A, D and E have similar family-related ownerships. Parcel A is approximately 20 acres of a larger 307 acre parcel of the north. A cabin is built on this 20 acre portion near Mill Creek Road. Parcel E is the northern most 45 acre portion of 126 acre tax lot. This part is separated by developed/committed land along Mill Creek from the parent parcel to the south. There are three cabins on these 45 acres.
All parcels included in this irrevocably committed statement have been used for recreation purposes since the early 1920's. This is quite evident by the presence of the above mentioned seven cabins, but also less evident is the fact that camping (summer and hunting) and other summer/fall recreational activities (e.g. hiking, motor cycling, fishing, huckleberry picking) not showing up as physical development have occurred for many years on these properties. They have been utilized in the same manner as the other extensively, developed recreational properties along Mill Creek because they are properties that slope toward Mill Creek and have been greatly influenced

by the overall development pattern. These parcels are sparsely timbered (most of it located near Mill Creek Road) along the side and bottoms of steep draws and the rest is south-facing, barren, rocky, open hillside. (see

Map 18-12 titled "Topography-Vegetation Map".) The whole Mill Creek Valley is a popular mountain retreat area for Walla Walla, WA., just eight to ten miles away via a well-maintained (paved) rural access road.

Public Facilities and Services - Mill Creek Road serves as the main ingress and egress to the subject parcels and all the 100 plus lots along the Mill Creek Valley. This is a county road and paved up to parcel D. It turns into a gravel road going eastward and past parcel H. Private roads coming off Mill Creek Road serve existing cabins on parcels A, C, D, E and G. Electrical service is readily available along the county road which currently serves cabins on parcels (A, C, E and F). A public water line serving the City of Walla Walla runs along Mill Creek Road to the south and is readily available if requested and paid for. Private wells and springs provide water supplies to cabins on parcels C, E and G.

Adjacent Land uses - Recreational dwellings and recreational lots predominate adjacent land uses to the south of all subject irrevocably committed parcels—over 40 dwellings and over 58 lots to be more precise. This development pattern extends westward and eastward beyond the subject committed parcels and totals over 110 lots and 85 plus cabins which have been approved as developed and committed by LCDC. Approximately 1/2 mile to the east is an irrevocably committed parcel justified under the East Mill Creek Exceptions Statement. North and West of the subject committed parcels are larger pieces of property owned in the same name or names (parcels A and E) or are bordered by relatives' property (committed parcel D) belonging to the Klicker family. North of parcel E is a 168 acre parcel in common ownership with it that again is a steep, open hillside property. North of committed parcels A and D is a 307 acre tax lot (in Klicker family ownership) of which parcel A is in common ownership with. It, like the other adjacent parcel north of the irrevocably committed parcels, is nearly all open, steep hillside. West of irrevocably committed parcel A is another Klicker family-owned property of 398 acres that spans both sides of Mill Creek Rd. North of the road is open, hillside land with some scattered timber stands in a few small draws. On the southside of Mill Creek Road the land is slightly heavier timbered on more favorable facing slopes and also found on the bottoms of many draws draining into Mill Creek. In between the two areas is the strip of homes and subdivision lots between Mill Creek and Mill Creek Rd.

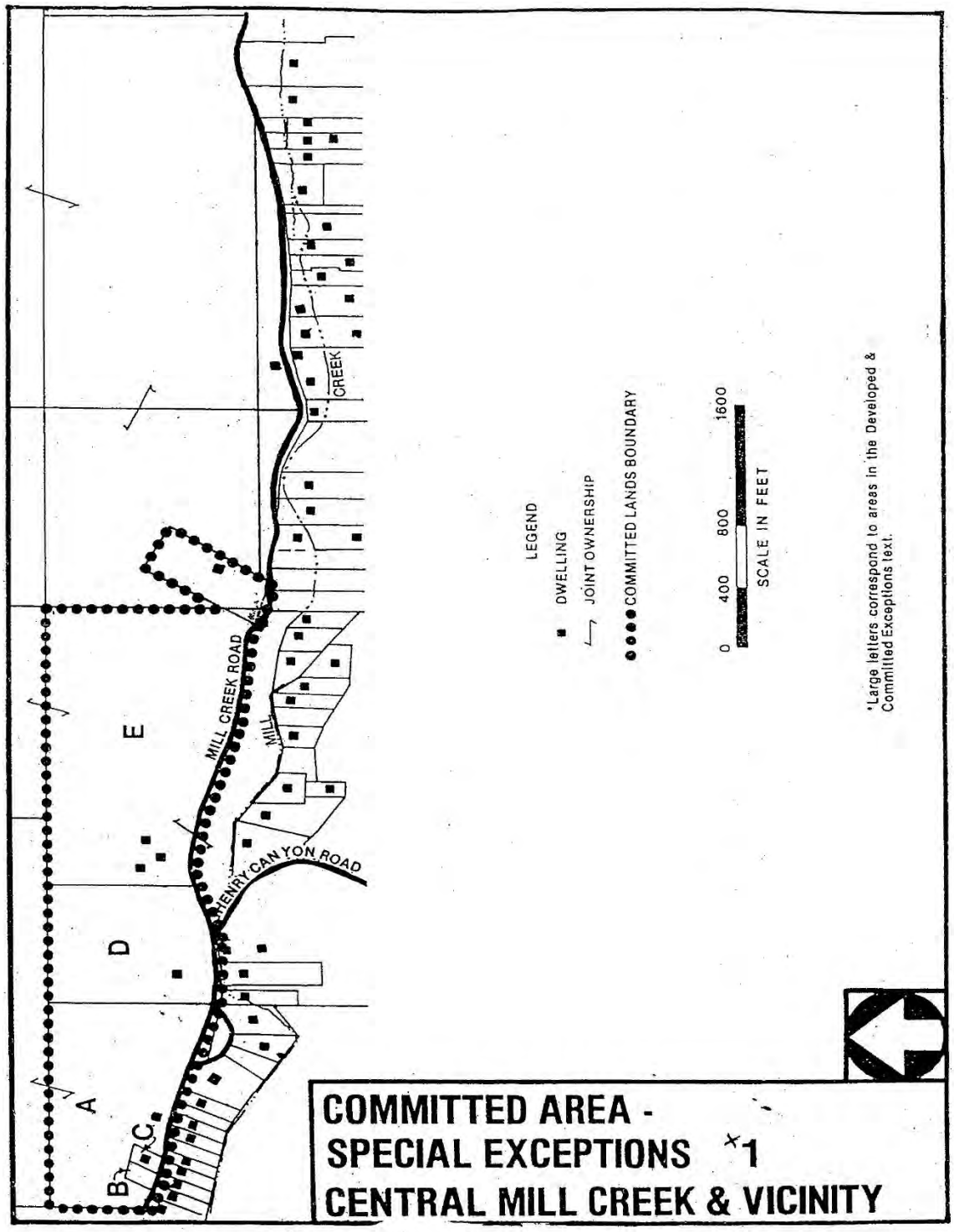
Resource Impracticalities - Practical use of the parcels in Special Exceptions Area #1 for resource purposes is not possible for several reasons. First, the existence of seven cabins within the subject area itself, causes compatibility problems in the immediate area for livestock grazing or timber management that might take place. But of much greater significance is the conflict situation with the numerous recreational dwellings to the south. Assured are the complaints of noise, traffic, spraying, slash burning, loss of aesthetics, possible water pollution and siltation, property damage the like that accompanies both timber and livestock grazing management practices. Secondly, the quality of the land for resource purposes is poor. It is unfortunate that the county-wide soil survey by S.C.S. has not been completed to substantiate and

support the owner's claims of poor resource quality. It is obvious from

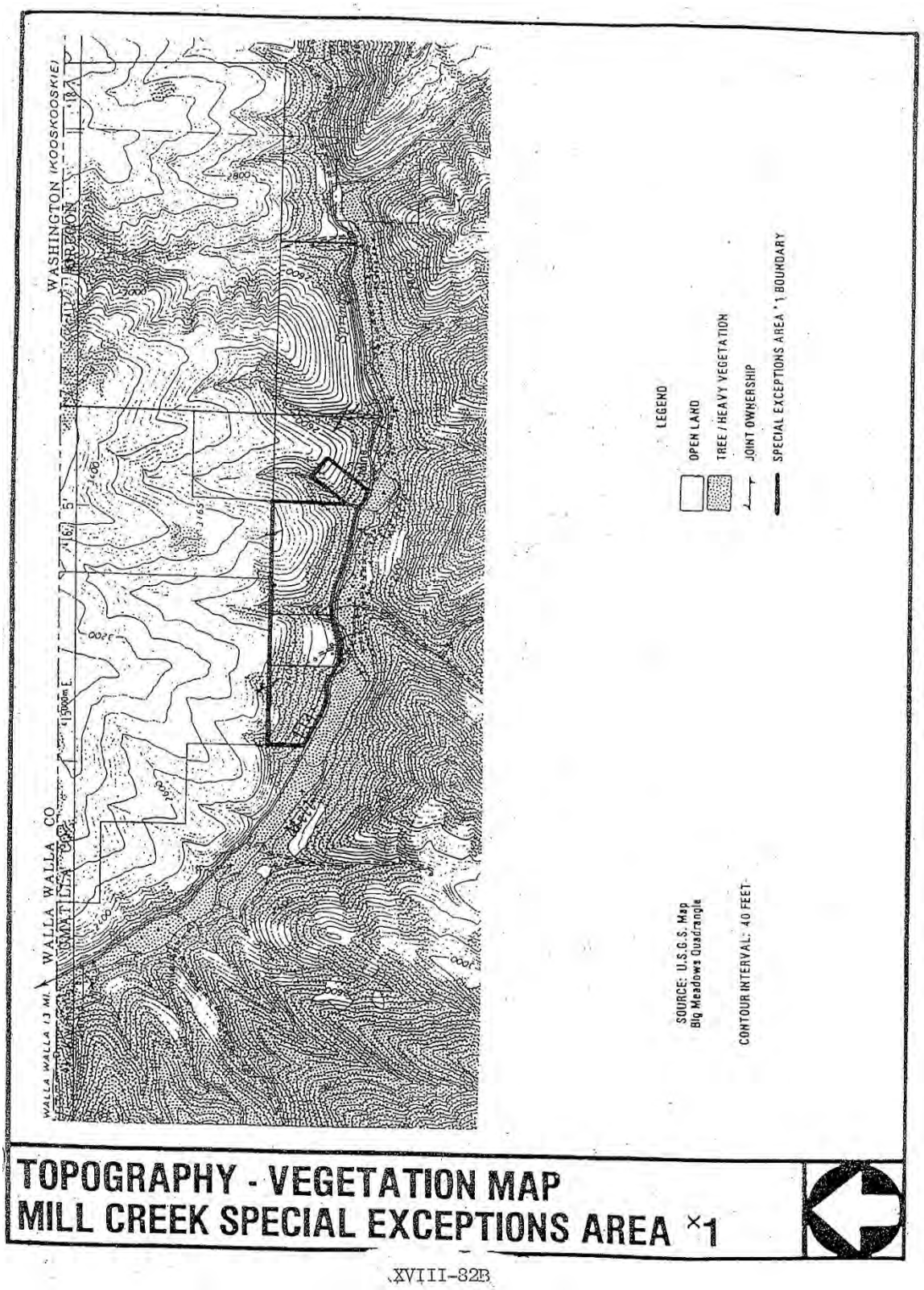
Map 18-12 that there are only a few small stands of light to medium density timber. The largest area of medium density timber is only ten acres (east of parcel E), hardly of a size to protect and manage for timber. The other timbered areas are sparse stands having slow growth rates due to the steeper, south facing, more droughty aspects. These stands are located on the bottom of drainages near Mill Creek Road and thus very near to the recreational home development conflict situation discussed above. The northern portions of these properties are non-timbered, steep-sloping, rocky, south-facing hillsides and drainages. Owners of larger lots (Klicker family) say that cattle grazing had been attempted many years ago, but the droughty nature and steep sloping land here could only support one cow per 40 acres for one month, which was hardly worth investing in fencing and other necessary improvements. Besides, the area has had a long history of recreational use of which the owners have recognized, and have restricted resource activities near where conflicts are guaranteed.

Compatibility - Examination of the "Topography-Vegetation Map" for this particular area shows that it is geographically connected with the existing recreational development along the Mill Creek Valley bottom. Additional developments here would be merely a short extension up the north hillside. Topography within the exceptions area itself will also limit the number of possible recreational dwellings as there are only three or four small benches of land that are developable. This fact, coupled with a five acre density restriction, would permit at the most an additional five dwellings in an area encompassing approximately 100 acres. Not only would the small amount of additional developments be compatible with existing recreational uses to the south and not over-tax utilities and public services in the area, but similar recreational use would be made of the land which has been used for camping, hiking, motor-biking and other similar pursuits since the early 1900's.

Regional Characteristics - Nearly 90 cabins within a three mile stretch of narrow valley bottom certainly points to a predominant recreational pattern. Use of land within the area is dictated by this pattern. Since the early 1880's and especially starting in the 1910's and 1920^{f}s, the area has been a popular recreational
retreat for residents of Walla Walla, WA.; and for people in Milton-Freewater, Oregon. As pointed out earlier, even the larger properties involved in this exceptions statement have been used recreationally in the form of camping and hiking rather than for resource purposes because the overall recreational pattern dictated it. Not only were livestock grazing and timber resource management uneconomical to pursue (poor soils and sparse small timber stands), but most of all they were perceived to be incompatible with residential homeowner's aesthetic needs. Facing these facts, Goal 3 and 4 can no longer be applied because of the predominate, overall, regional recreational development pattern.



Map 18-11 – Committed Areas – Special Exceptions #1, Central Mill Creek & Vicinity (XVIII-82A)



Map 18-12 – Topography – Vegetation Map, Mill Creek Special Exceptions Area #1 (XVIII-82B)

TOLLGATE – MEACHAM EXCEPTIONS ANALYSIS

Introduction

Stated earlier, the Tollgate and Meacham areas generated more public concern and comments regarding land use development and preservation than any of the other multiple use areas in the county. Several citizen committees were formed in response to gathering and organizing the numerous and varied comments received.

Tollgate Exceptions Analysis

The Tollgate Mountain Highway Corridor is the most extensively developed mountain residential area in the county. During the initial planning and zoning program in the early 1970's, a large amount of land (9,100 acres) was zoned for intensive recreational and vacation home use (R-4 one acre density), recognizing that existing vacation homes existed in the area.

This pattern of development had its start in the early settlement days of the county and really escalated during the late 1940's to the present. The nearly 500 parcels included as developed and committed attest to the extent of recreational development. Location near major cities in the county and proximity to the Tri-Cities are the major reasons for its popular use a major recreational area. Some of this land, however, was and still is in larger resource parcels, some distance from improved roads, and most taxed as resource lands under farm or forest deferral.

Information from the Tollgate Citizens Committee served as a valuable starting point to help distinguish between the complicated mixture of resource oriented and developed/committed mountain residential properties now both zoned for vacation homes and other intensive recreation uses. The committee found, through a property owner survey and through knowledge of the areas, that most of the existing and probably committed mountain residential development started at about the permanent snowline in the vicinity of the Umatilla Electric Co-op Substation and ran eastward one-half mile on either side of the Tollgate Highway to about Langdon Lake. Below the snowline and outside the area of this corridor, land use and dwellings were more resource-oriented.

Next, the same methodology procedures explained on pages 18-24 through 18-25 were followed. Specifically, public lands within the corridor were identified and excluded from the multiple use or vacation home category. Those property owners who wanted to be excluded from the existing mountain residential zoning were classified into a resource use as per their request. The next step was to exclude somewhat larger grazing and timber industry-owned parcels within the corridor based upon their commitment to resource management, and further supported by the lower deferred tax rates charged, based upon their resource use qualifications.

Once the above steps were taken, the developed/committed criteria listed on pages 18-36 through 18-37 to identify other county multiple use areas were applied to the remaining parcels within the corridor.

The process of gathering, mapping, and applying the above information in the above described manner resulted in the identification of parcels in the Tollgate Mountain area that are substantially developed and committed to multiple recreational uses and those parcels more oriented and feasible for timber, grazing and open space uses.

Map 18-21, Map 18-22, Map 18-23 and

Map 18-24 depict the properties in the Tollgate area found to be developed and committed to mountain residential use. These areas are located in six nodes. Each area is analyzed separately along with specific reasons, why the area is classified as developed and committed. All total, some 3,248 acres are in this category.

Area: Tollgate-Subregion #1
(see Map 18-21)

Number of Parcels	54
Average Parcel Size	5.8 acres
Number of Parcels Occupied by Mountain Recreation Buildings	32
Largest Parcel	2 3 acres
Smallest Parcel	2 acre
TOTAL ACRES	317.6 acres

Findings and conclusions:

1. Numerous small sized parcels indicating recreational uses.

2. Close to 60% of the lots in this area are occupied by a recreational home or shelter, further evidence of recreational development.

3. Almost all parcels have access to Highway 204, assuring potential additional development will have good access for ingress, egress and fire protection.

4. All parcels have been zoned for ten years for vacation homes and other recreational uses, recognizing existing recreational development.

5. All lots have been taxed as recreational land, indicating recreational usage.

6. Subregion is only developed/committed mountain residential area in a critical deer and elk winter range. Density standards and small area involved will not adversely impact big game in the area.

Area: Tollgate - Special Exceptions Area #1
(see Map 18-21)

Number of Parcels	21
Average Parcel Size	4.7
Number of Parcels Occupied by Mountain Recreation Buildings	1
Largest Parcel	20 acres
Smallest Parcel	5 acres
TOTAL ACRES	100 acres

Findings and Conclusions:

1. Two parcels were replanned and zoned for recreational home use in 1979. Hearings and public had opportunity to comment, and decision to approve considered all state planning goals.

2. Area is acceptable distance from improved access of Highway 204, and interior roads must be designed and improved according to subdivision ordinance.

3. Number of lots in subdivision is limited to a density of five acres to insure compatibility with adjacent recreational and resource lands.

4. Property is within general corridor recommended by Tollgate Committee as mountain residential lands and is adjacent to other identified developed/committed parcels.

5. See Findings and Conclusions and Developed/Committed Map of Subregion #1 of Tollgate area, as this property is within that area and these are applicable here.

Additional Justification Required by LCDC Continuance Order Explanation - The following findings of fact support an irrevocably committed recreational classification for several parcels, originally included under this exception: Tollgate - Special Exception Area #1, Area B on Developed/Committed land Map A (Map 18-21), and one parcel of 20 acres originally discussed within Tollgate - Sub-region #2 Exceptions (now property A on Developed/Committed Land Map A).

Location - Area in question is approximately 12 0 acres, involving one 20 acre parcel (parcel A) and a 20 lot, partially developed subdivision (area B). Currently, they are in two ownerships. The parcels are located on the far west end of the Tollgate Recreational Corridor on the edge of the foothills of the Blue Mountains.

Adjacent Land Uses - Parcels to the north are small recreational lots, both vacant and developed. Sizes range from three acres to 29 acres. To the east is a five acre vacant lot in the same ownership with a 2.9 acre lot to the north of it. Also east of the Special Exceptions area is a 74.9 acre lot with two old recreational cabins. This parcel is mostly wooded. To the south is a 320 acre parcel of mostly steep, open hillside. To the west is a 195 acre lot with a mixture of cultivated farm land, hillside/grazing/vacant land and sparsely timbered draws and steep areas.

Special Land Use Decision Considerations - Parcel B was approved for a recreational subdivisions development in 1980 after a needs exception to Goal 4 was taken by the Board of Commissioners. (See attached "Findings of Fact and Conclusions of Law" granting the exception—Attachment A in Appendix).

Land Use Planning and Development Since the 1983 Exception - Parcel A, not involved in the parcel B exception mentioned above, is 20 acres in size and has a recreational

cabin sited on it. Access to parcel A is provided by a county road running along its north property line. Electricity is provided to this cabin via the county road from main lines along Highway 204. Parcel B, currently in one ownership and within the area involved in the needs exception, totals about 100 acres. A preliminary subdivision plat has been approved (January 1984) for approximately 20 five acre lots. The owners have expended significant funds for planning, surveying, engineering, soil testing, right-of-way and access acquisition, right-of-way clearance, road bed preparation, design costs for both underground and overhead utilities and actual construction costs. To date, the following public facilities and improvements have been completed to serve the subdivision development: (1) road (both access to and interior subdivision roads;) (2) electricity; (3) underground utility lines; (4) storm drain culverts.

Resource Impracticalities/Neighborhood Characteristics - Special Exception Area #1 is in an area of recreational uses. This is evidenced by existing, smaller lots and cabin development to the north along Highway 204 and the cabin on parcel A. This situation puts numerous constraints upon the normal practices of commercial timber production and livestock grazing (e.g. slash-burning, clear cutting, spraying, log hauling, noise, livestock damage to fencing, yards, etc.). Besides, the construction, earth moving, tree removal, road building and other land disturbances connected with the subdivision development have disrupted area B to such an extent that it is no longer useful for resource activities. Location within the long established Tollgate recreational area must also be a consideration as far as resource restrictions and overall compatibility of recreational development. The overall development pattern largely dictates recreational uses. The very good access (Highway 204), general topography, short distances to utilities and water availability have favored this type of development and has expanded into a regional recreational area. Forest Service data from 1979 shows that over 152,000 recreation visitor-days use occurred just on National Forest Service land along and near Highway 2 04 (see attachment B in appendix). Although no exact figures are available or can be likely obtained, one can still conclude that a tremendous amount of recreational use occurs on private land along Highway 204. Intensive resource management (either grazing or timber production) has thus been rendered impracticable by the non-resource development and recreational activities, and in many cases has been abandoned in favor recreation even on larger lots adjacent to this committed area. The Special Exception Area #1, as earlier mentioned, is on the edge of this recreation corridor. Recreational uses to the north, a 74 acre "recreational lot" to the east (according to the owner, even though the parcel is in a resource land use category and zoning and even has non-resource land adjacent to it) , and general topographic differences to the south and southwest, all demonstrate that eminent future recreational development planned for the property (20 new cabins using the five acre density now applying to the area) will be compatible with adjacent similar land uses and will not greatly interfere with resource activities in the area. (See more detailed discussion of regional characteristics under subsequent sub-area exceptions for Tollgate and vicinity).

Conclusions - Special Exceptions Area #1 is committed to recreational use for the following summary of reasons:

(a) Approval of an exception to allow recreational development;

(b) Extensive expense of planning, engineering and design work to gain approval for the subdivision;

(c) Commitment of actual construction cost and improvements of utilities and roads;

(d) General compatibility with the overall regional land uses in the area and with capabilities and capacity of the existing utilities and road (see Umatilla Electric Co-op letter, Attachment C in Appendix).

(e) The extreme unlikelihood and possibility of resource consolidation due to the high cost per acre value relating to developed improvements, taxation, small sizes and because of incompatible recreational development occurring in the immediate area.

Area: Tollgate - Subregion #2
(see Map 18-21 and Map 18-22)

Number of Parcels	140
Average Parcel Size	5.2 acres
Number of Parcels Occupied by Mountain Recreation Buildings	80
Largest Parcel	95 acres (see #8 below)
Smallest Parcel	25 acres
TOTAL ACRES	730.4 acres

Findings and Conclusions:

1. Extensive small lot, non-resource parcelization here.

2. Two platted subdivisions are in this subregion and a good number of lots have been sold.

3. Over 55% of the parcels are occupied by recreational living quarters. This percentage would be significantly higher if not for the fact that numerous lots within the two subdivisions mentioned in Finding #2 are vacant. However, many owners in these two subdivisions keep their lots unimproved and use them as vacation trailer or tent sites for short periods of the year.

4. Most lots have access onto improved roads such as Highway 204 and County Road #389.

5. In area where few conflicts with big game are anticipated. Not in critical winter range or in area where big game migrate.

6. Nearly all parcels have been zoned as R-4, recreational residential, for last ten years. Only Meadowwood Speech Camp property has a different zone.

7. Nearly all parcels have been assessed at much higher recreational land value rate for many years. There are several parcels under resource, tax deferral that are considered committed to mountain residential because they are smaller than resource sizes (fewer than 40 acres) and are either totally enveloped or almost completely surrounded by other developed/committed parcels.

8. Parcel is partially developed. A church camp retreat with incidental uses has been approved for the site. It does have access to Highway 204, it is not on a deferral program, and it is bounded on two sides by other development which also commits parcels to multiple use rather than resource lands.

Area: Tollgate - Subregion #3
(see Map 18-22)

Number of Parcels	60
Average Parcel Size	5.5 acres
Number of Parcels Occupied by Mountain Recreation Buildings	29
Largest Parcel	20 acres
Smallest Parcel	46 acre
TOTAL ACRES	33 0.3 acres

Findings and Conclusions:

1. Placed in developed/committed category based on extent of small parcelization.

2. Close to 50% of parcels have developed recreational structures.

3. One platted subdivision with almost all 27 lots under separate ownerships.

4. All lots either about or are within 600 feet of improved platted street, county road or state highway assuring good fire protection access.

5. Most property has had R-4 Recreational Residential zoning. Several non-conforming lots in the F-2, 19 acre General Rural zone have been included because of their small size and location in and adjacent to developed/committed lands zoned R-4. Overall zoning recognizes long established recreational uses in the Tollgate area.

6. All but one of the 60 lots are taxed as recreational land. This one lot, included as committed, is bordered on three sides by other developed/committed parcels.

7. Sub-area is in-between two identified big game migration routes. Parcels near these migration trails are either developed and cannot be further divided or are large parcels related to resource uses and then are preserved for resource uses compatible with big game management plan.

Area: Tollgate-Collins Property - (Special Exceptions #2)

Number of Parcels	1
Number of Dwellings on Parcel	3
TOTAL ACRES	40 acres

Findings and Conclusions:

1. Property has three existing cabins or a density of one cabin per 13 acres which meets the "committed" lands criteria.

2. Property is about 50% within half-mile corridor and has an improved rock base road to interior of property.

3. Buried electric and telephone lines have been extended to this lot and are further evidences of recreational commitment.

4. Conversion to grazing and forestry uses are very limited due to likely conflicts with existing recreational development to the north and south of the subject parcel.

5. Property has been zoned R-4, a one acre minimum recreational zone since 1972, recognizing existing recreational use of property.

6. Parcel does not contain habitat critical to wildlife, big game or fisheries.

(see Map 18-22)

Area: Tollgate - Subregion #4
(see Map 18-22 & Map 18-23)

Number of Parcels	75
Average Parcel Size	4.5 acres
Number of Parcels Occupied by Mountain Recreation Buildings	97
Largest Parcel	154 acres (See #2 below)
Smallest Parcel	16 acre
TOTAL ACRES	487.8 acres

Findings and Conclusions:

1. Considerable numbers of small lots and developed cabins classify area as developed/committed mountain residential lots.

2. Two parcels are 154 and 152 acres respectively, but have about 35 cabins on them and are owned by homeowners1 associations. Density approximates one recreational dwelling per nine acres and thus meets committed lands criteria.

3. All but two small lots are zone R-4, Recreational Residential, which recognizes existing recreational development.

4. Recreational land taxes on all parcels further substantiate commitment of area to recreational uses and development.

5. All developed/committed parcels have good access onto improved public, county and state roads.

6. Away from identified big game migration routes and not in critical winter range for elk or deer.

Additional Justification Required by LCDC Continuance Order Explanation - Applicable findings of fact listed in OAR 660-04-028 are discussed below justifying why the forest lands goal can no longer be applied to parcels A, B, and C on the Developed/Committed lands Map B see Map 18-22).

Location - Area is located in the extreme west portion of Subregion #4 about 1/4 mile east of Lincton Mountain Subdivision along the north side of Tollgate Highway (State Highway 204). Description - The area requested for further "commitment" justification involves approximately 104 acres and three different property owners. For purposes of reference, this area will be called the "Blue Mountain Campground" area. The largest parcel is a 55 acre portion of a 159 acre parcel owned by Blue Mountain Campground Homeowner's Association (parcel A). The remaining Blue Mountain Campground property (130 acres) lies south of Highway 204 which divides their holdings and has been justified as "developed." Two cabins are located north of the highway and approximately 15 cabins sited on the portion south of Highway 204. The second largest individually owned property is 25 acres composed to three tax lots of 5, 10 and 10 acres (parcels C). The five acre tract has an old cabin on it. The cabin was heavily damaged by snow accumulation last winter. This spring it has been repaired. There are two small cabins on the two ten acre tracts. The third property is composed of 23.8 acres which is also split by Highway 204 and has two cabins on it (parcel B). All three properties have recreational uses on them and have been situated within a long-established recreational use area evidenced by the long historical use of Blue Mountain Campground property and other recreational

lands in the Tollgate area.

Public Facilities - All properties in the Blue Mountain Campground committed area are either served directly by the paved Highway 204) as well as telephone utilities. Water is provided by individual springs (for parcels B and C) as is most of the recreational properties on Tollgate Mountain and for Parcel A. A community water system supplies domestic drinking water to the two cabins, which is a branch of the many water system supplies domestic drinking water to the two cabins, which is a branch of the many water systems which also supply the remaining cabins within the Blue Mountain Campground Association land to the south of Highway 204.

Surrounding Land Uses - Adjacent land uses to the northeast/ east and south are predominantly cabins and or recreational use-related, especially to the northeast, where over 50 cabins and a restaurant are sited; and to the southeast where 17 cabins in another homeowner's association are sited. Directly south of parcel C is a larger property (78 acres). Land use to the west and north are two privately owned parcels of 93 and 200 acres currently under farm deferral and used mainly for grazing purposes. There is also timber on both of these parcels.

Parcelization/Potential Development - There is no additional parcelization or additional cabin development possible in the Blue Mountain Campground Area. The ten acre lot size minimum will not permit any more development here because the lots are "built out" (see conclusion).

Conclusion of Development - Based upon the above findings, the Blue Mountain Campground sub-area is considered developed and therefore to be a part of the rest of the Tollgate Multiple Use lands.

February 21. 1985 "In Order To Comply Response"

Several mapping errors and a review oversight resulted in a misunderstanding and state staff disapproval of this exception area. The following will clarify the error and will re-emphasize and expand the compelling reasons why this sub-area is developed and committed to non-resource use.

1. Mapping Errors - The two cabins on parcel A (see Map 18-21 for description and land use) have been on the property for many years (prior to 1970's). Only one cabin was shown on the 1983 map, and it was located on a separate map because of scale and printing constraints. DLCD could easily have concluded that no dwellings were on this portion of the Blue Mountain Campground property. This clarification will support the conclusion that the Blue Mountain Campground is fully developed at the prescribed ten acre density. The other original 1983 mapping error did not show an old cabin on the furthermost south parcel of property C (see Map 18-23). It was mentioned on page 18-58, but was apparently mistaken as a new cabin by DLCD during the February 21, 1985, acknowledgment review. The last mapping misunderstanding appears to be that of the access road into property C which has existed for many years and was added to illustrate public facility availability and adequacy. This is not a new road.

2. Revised Findings and Conclusions - Based on the above clarifications, Parcel A has always had and has always been a part of a "developed" recreational property (Blue Mountain Campground). No further development can occur on this property. Property C has an existing cabin on the southernmost five acre parcel with an existing access road to all three commonly

owned parcels (5, 10 and 10 acres). Property C has always had a recreational use history as most all properties have that are very near and accessible to the Tollgate Highway. Also, with the property's location adjacent to "developed" and incompatible mountain residential uses to the east and south, along with an existing dwelling already on the property, the remaining two 10 acre parcels of property C were considered irrevocably committed because the existing non-resource interferences make any resource management impractical (e.g. aerial spraying, log falling and hauling, damage to aesthetic settings, only access to property is through other developed recreational properties, livestock roaming and associated damage). Additionally, the undeveloped portion of property C is only 20 acres which is too small and too expensive to efficiently consolidate into adjacent resource land to the west and north. Only two cabins with no further dwellings possible (ten acre per dwelling zoning restriction) certainly will not negatively impact adjacent resource parcels anymore, than already exists in the area.

Conclusion - It was for the above reasons that the County originally considered the Blue Mountain Campground area as developed to non-resource uses, and permitted the infilling of the two cabins on the two northern 10 acre parcels of property C.

Area: Tollgate-Subregion #5
(see Map 18-23)

Number of Parcels	56
Average Parcel Size	6 acres
Number of Parcels Occupied by Mountain Recreation Buildings	35
Largest Parcel	105 acres (See #5 below)
Smallest Parcel	2 acre
TOTAL ACRES	374 acres

Findings and conclusions:

1. As with previous subregions, the extent of small parcels under different ownerships place this area into developed/committed lands.

2. Over 55% of the parcels are occupied by recreational improvements adding to evidence of mountain residential use.

3. All but one 2.8 acre parcel have been zoned R-4 (one acre Recreational Residential), further proof of existing recreational development.

4. All parcels have been taxed at higher recreational rates based on recreational use.

5. A 59 acre and a 105 acre parcel were included in committed category because of their single ownership, recreational tax status, access onto Highway 204 and location within existing mountain residential development.

6. All other parcels abut onto or are very near Highway 204, affording good access to these parcels.

7. 7. East portion of subregion is used as a migration corridor by elk and deer, but density and development standards should protect route and still permit limited mountain residential development.

8. Is not in critical deer or elk winter range.

Additional Justification Required by LCDC Continuance Order Explanation - Below is pertinent information in OAR 660-04-028 that will apply to 15 properties showing they are irrevocably committed to recreational uses. The properties are shown on Map 18-23 and in more detail on the Map 18-13 titled "Loop Highway Area".

Description and Use
(a) Area involves approximately 245 acres 14 tax lots and 9 different property owners (see Map 18-13 "Loop Highway Area Map")

(b) Parcel A and B belong to the Seventh Day Adventist Church and have a retreat building and overnight cabins on both parcels. These two parcels are developed recreational land.

(c) There are eight recreational cabins located on parcels C, F, G, H, I, K and M. Parcels D and E are small isolated portions of properties separated by Highway 204 in the extreme north tip of the Loop Highway area. The highway right-of-way is wide enough to effectively isolate them from their parent parcels and are thereby more associated with lands south of Highway 204.

(d) Parcel J is vacant and is a 14.15 acre piece owned in common with parcel G and H, but is physically separated by Highway 204.

(e) Parcel M is also a common ownership with parcels G, H, I and J, but is separated by property K and Highway 204.

Public Facilities and Services
(a) Paved Highway 204 serves as direct access for a majority of the parcels (A, B, C, D, E, F, S and 0).

(b) Parcels (G, H, I, J, K, L, M and N) are served by easement roads.

(c) Parcels A, B, C and F have electricity service directly off of main lines along Highway 204. Parcels H, K, M and 0 have electricity from interior service lines. Parcel C has telephone service to the home there. The remaining parcels are within short distances to these utilities if desired.

(d) All cabins have either individual domestic wells or natural springs for water supply sources.

(e) A major electric power transmission line runs through parcels B and F.

Surrounding Land Uses
(a) The area is bordered on the north and east sides by extensive recreational cabin development.

(b) To the south is a 159 acre tax lot owned by the National Forest Service which is for the most part lightly timbered.

(c) To the southwest is a 160 acre tax lot owned by the State of Oregon which is also lightly timbered.

(d) A committed parcel (Harris property) is located east of this committed exceptions area.

(e) The criss-crossing of interior roads, a major electricity power line and spring originated water pipelines and yard development around existing homes, further constrains or refines the efficient management of the area, especially for normal timber management (aerial spraying, log falling, damage to aesthetic settings).

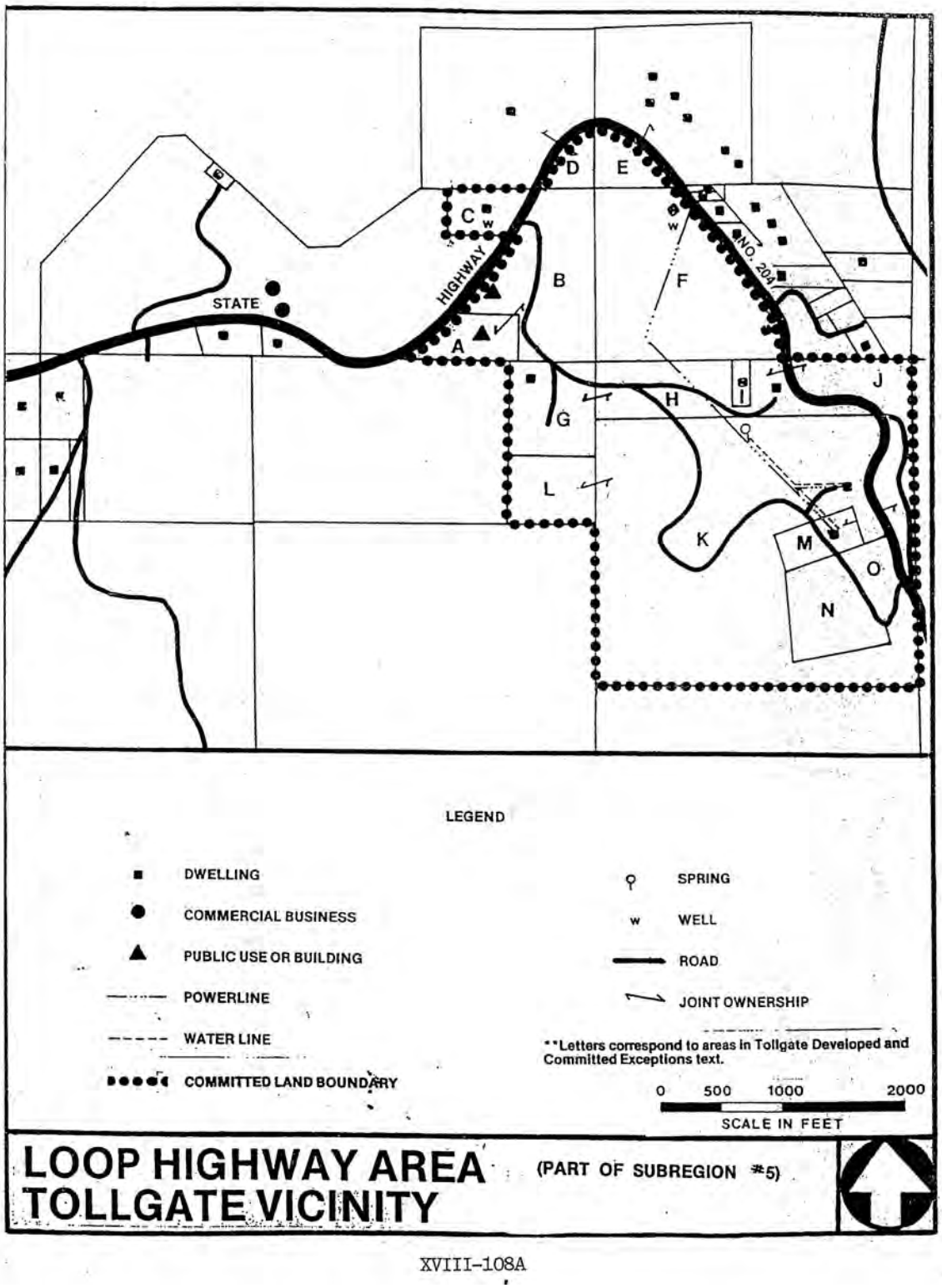
(f) The location of the area within a loop of the highway shapes and constricts most of the parcels1 configuration, meaning timber management border problems mentioned by timber management companies.

Compatibility
(a) Most of the area is designated for a 10 acre density minimum. This restriction along with existing development will limit new recreational dwellings to only 11. Several parcels (J, M, N, O) have a five acre density which would permit about five new dwellings. A total of 16 potential recreational dwellings in an area of over 245 acres is a very low density and is compatible with the open space needs of other existing recreational homeowners in the area, which also significantly reduces the potential negative impacts upon adjacent publicly-owned land to the south and southwest.

(b) The low number of new recreation homes possible can certainly be accommodated into existing public services in the area. Location within the loop of the highway and in between existing adjacent recreational uses allows an infilling and logical progression of development in an area that does not project out into resource lands normal resource activities because of the wide range of incompatibility problems mentioned earlier for typical resource uses occurring in the area. Statistical figures and degree of recreational impact have been documented previously in the Beard/Giger exceptions statement and can be visually seen on maps showing the actual 12 mile long development along Highway 204. This factor of commitment supports the compatibility issue of additional recreational use in an area already dominated by this

activity.

Conclusion - The Loop Highway area is considered to be committed because of the predominance of existing recreational development and improvements within and adjacent to it, incompatibility and impracticality for resource use because of its location and relationship to the overall recreational area as influenced by existing development, roads, and utilities.



XVIII-108A

Map 18-13 – Loop Highway Area (part of subregion #5) Tollgate Vicinity (XVIII-108)

Area: Tollgate - Davis Property (Special Exceptions #3)

Number of Parcels	1
Number of Parcels Occupied by Mountain Recreation Buildings	2
TOTAL ACRES	95 acres (see #7 below)

Findings and Conclusion:

1. Property is adjacent to and bounded on nearly three sides by non-resource sized parcels and recreational development constituting commitment of parcel for similar uses.

2. Several recreational lots, now developed, have been sold from property along with the existence of a snowmobile race track, further committing the parcel for recreational use.

3. Property is rocky, open scab land with little to no timber or grazing value. SCS soil data supports finding of no timber productivity and poor grazing value.

4. Utilities and paved road access from Highway 204 provide basic development requirements, allowing local infilling of recreational uses that predominate this area.

5. Testimony from area residents, property owners and State Fish and Wildlife Department concludes the area encompassing property is not within critical wildlife winter range or big game migration trail, therefore not requiring conflict resolution of resource values (see Map 18-23).

Additional Justification Required bv LCDC Continuance Order - Davis Property

Explanation - The following findings of fact will supplement the above findings and conclusions and address applicable items in OAR 660-04-028 justifying the conclusion that Goal 4 can no longer be applied to Special Exceptions #3 on Map 18-23.

Description and Use - A more detailed description and use of the property is shown on the map titled "Davis Property" on Map 18-14 and is as follows:

(a) Snowmobile race track and several permanent associated
buildings for storage and concessions (10-15 acres).

(b) Cabin on a one acre parcel on the north of property.

Adjacent Land Use - Land to the west and north belongs to Harris Pine Mills, a mill and furniture company. A five acre recreational lot with cabin is located in the east property line as well as a church camp and overnight cabins to the southeast. Three recreational lots (two developed) are along the south border of this property.

Public Facilities - A more detailed discussion of public services is as follows:

(a) Electricity and phone lines are on the site, going to both the race track and existing cabins. Main utility lines are along Highway 204, potentially serving the entire south side of the property;

(b) Paved State Highway 204 serves as access for most of the property along its south border;

(c) A private easement cut across the larger tract to provide access for a privately owned cabin to the north and a private interior road fronting along Highway 204 (see

Developed/Committed, Map 18-23

(d) Springs serve as water sources for existing uses described above. One spring is considered one of the largest on Tollgate Mountain (see same map as above).

(e) A major overhead power transmission line runs through the entire parcel (see same map as above).

(f) A local utility line runs parallel with the major utility line mentioned in (e) above the traverses north to the existing cabin (see Developed/Committed, Map 18-23).

Resource Restrictions-Natural Boundaries-Buffers-Compatibility

(a) The parcel is mostly open, rocky land (about 65%) with about 15% of it heavily timbered and another 20% lightly timbered as a result of a harvest in the late 1950's (see map titled "Davis Property," Map 18-14).

(b) The open area consists of a Class VIII soil called Klicker-Anatone-Bocker Complex, which has a poor rating for rangeland and no capability for woodland. This soil does not even meet the definition of agricultural land in State Goal 3 (see topography map and Soils Interpretation Record Sheet, Appendix E).

(c) The timbered portion is separated into two areas by the snowmobile race track and is a mixture of Douglas fir and tamarack. The open area east of the race, track is a thinner stand of lodge pole and tamarack. Both areas are rather small (20 acres approximately) and are located along Highway 204 a well accessible and heavily used recreational area.

(e) Along the south border of the property exists four cabins and a church retreat facility. The presence of these incompatible uses along with the locations and small size of the two timbered areas described above render commercial timber management difficult if not impossible. Timber practices of clear-cutting, slash burning, spraying, etc. will affect the aesthetic value of the overall recreational area, especially along Highway 204. There are just too many adjacent conflicts for timber, and for that matter grazing uses.

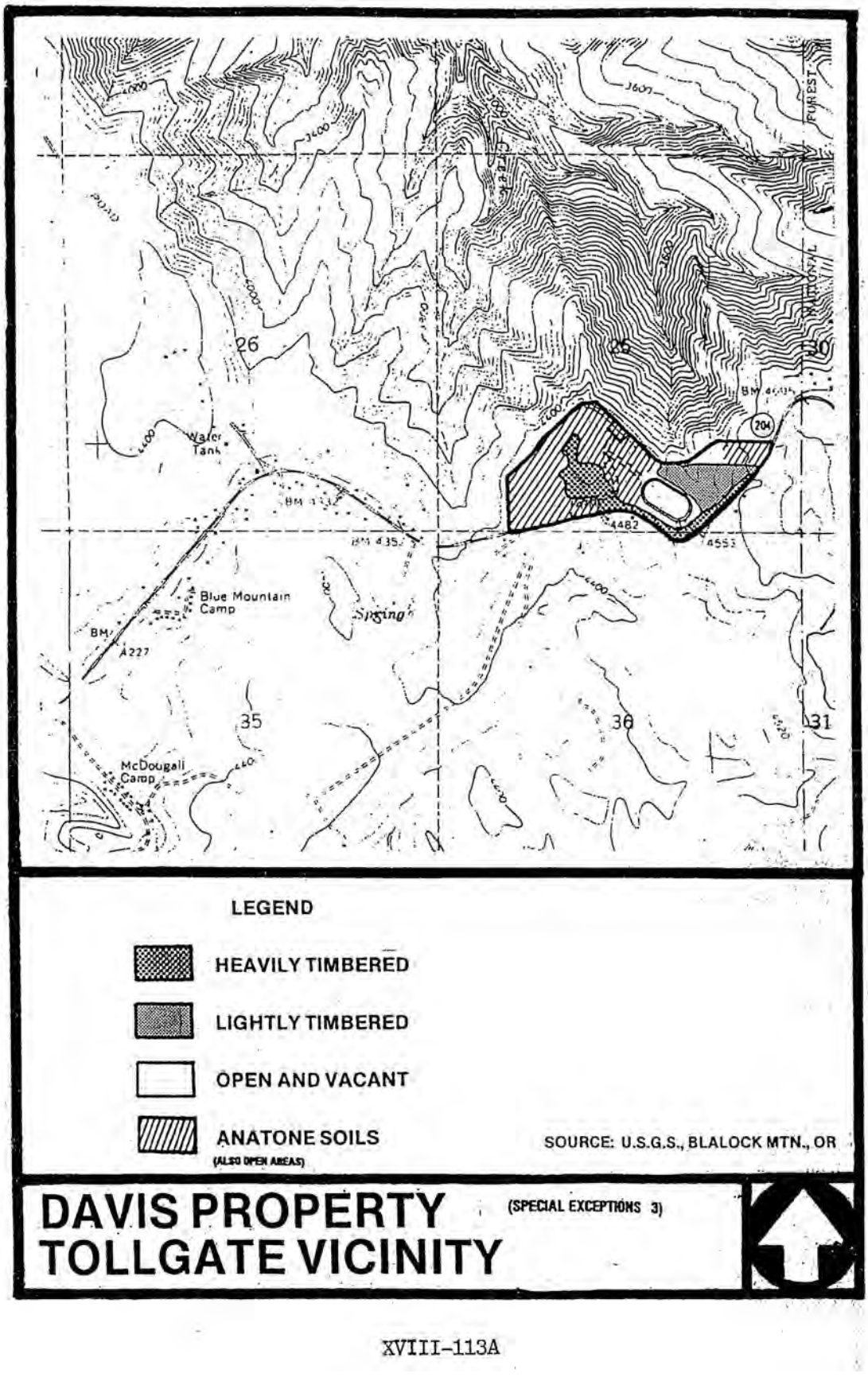
(f) The Davis property is separated from adjacent resource lands to the west, north and northeast by a ridge line of slopes exceeding 45%. This separation effectively buffers potential development on the parcel from the just mentioned resource land and also ties the Davis property into the Tollgate recreational area that runs along Highway 204 between two major drainage systems. (See map titles "Davis Property," Map 18-14). This is the regional recreational development pattern where access and topography has attracted recreational activities and uses since the early 1900's. (See "Regional Characteristic" sections of other Tollgate area exceptions in this plan).

Compatibility

(a) Plan policies as well as soil qualities will help assure that development will occur adjacent to existing recreational uses along Highway 204 and away from resource lands to the north, which as earlier mentioned are separated topographically. Parcels over 55 acres must cluster develop. Development will most assuredly be in the more aesthetically pleasing timbered area where soil qualities will allow septic tanks, whereas I the open areas of the property the shallow, rocky soils do not permit sewage systems (it has a severe rating for these systems). The 16 to 17 additional cabins allowed under the five acre zone and cluster regulations can be easily accommodated

near the Highway 204 access where the better soils are and where existing utilities on the property and other public utility lines serving nearby adjacent recreational uses are within a very short distance.

Conclusion of Commitment - The Davis property is "committed" based upon its poor resource capability, restrictions to resource use, availability and presence of utilities, location within the regional recreational area of Tollgate, and development standard requirements applicable to this property assuring land use capability, all of which is detailed above.



Map 18-14 – Davis Property (Special Exceptions #3) Tollgate Vicinity (XVIII-113A)

Area: Tollgate - Subregion #6
(see Map 18-21 & Map 24)

Number of Parcels	53
Average Parcel Size	8.1 acres
Number of Parcels Occupied by Mountain Recreation Buildings	29
Largest Parcel	153 acres (see #2, #3 below)
Smallest Parcel	2 acre
TOTAL ACRES	430.8 acres

Findings and Conclusions:

1. Numerous small parcels with over 55% occupied by a recreational structure denotes the area as developed/ committed.

2. One parcel of 153 acres has 54 dwellings and a lake on it. The density is 2.8 acres per acre and meets committed criteria.

3. A parcel of 95 acres is included because of its unique status as being a larger parcel with recreational commitments.

Additional Justification Required by LCDC Continuance Order Explanation - Factors listed in OAR 660-04-028 are discussed below for three properties included under this section. These findings will support that Goal 4 can no longer be applied to them. These properties are labeled A, B, and C on the map titled "Harris, Key, Brinker and York Properties," Map 18-15).

Description and Use - This committed are is located about 1/4 mile east of Langdon Lake on the south side of Highway 204. The area encompasses approximately 68 acres, six tax lots and three ownerships. Property A, the nearest to Highway 204, is 28 acres and timbered. Properties B and C are 20 acres each, one consisting of two 10 acre tax lots (parcel C), the other in a 10 acre, and two 5 acre lots both with thick stands of low-standing alder brush intermixed with small pine and fir trees. Properties B and C were logged about 20 years ago when in a large ownership. These two parcels were divided from property to the south and west according to an inheritance decree in 1974 and have been subsequently sold to other private parties. There is a recreation dwelling on parcel B. Associated recreational improvements into this area include: (1) development of a spring on property B; (2) surveying of properties for fencing and other property protection purposes; (3) negotiation and improving an easement road for properties B and C.

Public Facilities and Services - Electricity service is on site to properties A and B. Phone service is not on site but is Within 1/4 mile of property C, within 1/6 mile from property B, and immediately adjacent to property A along Highway 204. Road access to property A is directly off from Highway 204, via a frontage interior road (Old Mclntyre Road). Access for properties B and C is provided from a well maintained graveled forest service road to the west via a 30' easement which is (currently) being improved to a county standard.

Adjacent Land Uses - Along the north and east borders of property A and near properties B and C are numerous small, recreational lots and cabins found along Highway 204. To the west is a "committed" recreational parcel belonging to Robert Harris. On the east borders of properties B and C is a neck of U.S. Forest Service about 80 acres that extends up to Highway 204 and in between privately owned recreational property (Langdon Lake and cabins along Highway 204). There is a developed forest service campground on this parcel called Woodward Campground consisting of 20

campsites, 18 picnic tables, drinking water and pit toilet facilities. A 40 acre lot borders property C to the south and an 80 acre lot is to the west of properties B and C, both of which are vegetated in the same manner as properties B and C described above. These two parcels are occasionally leased for grazing according to the owners.

Resource Impracticalities - There are several factors that render these properties impractical to apply Goal 4 or use for resource purposes. First, the area is bounded on the north and east by incompatible recreational development (cabins and Woodward Campground). Usual timber practices of slash burning, clear-cutting, log hauling conflicts of noise and dust, and herbicide application that might be attempted, would adversely affect the aesthetic value of the area and be in conflict with these existing adjacent and incompatible uses. Livestock grazing is also impractical here because of the interference/incompatibilities problems with nearby recreational development as detailed for other Tollgate committed areas previously discussed. These properties, according to owners, are located across a major snowmobile trail. Secondly, the sizes of these parcels are too small in themselves to practicably use for resource purposes. Timber companies seldom look at parcels of less than 40 (mostly over 80) acres for efficiency and economic return purposes. Livestock ranchers also require larger sizes than these parcels since they need forage amounts in quantities that will sustain herds long enough to make it economical to justify their hauling the livestock to summer range. Thirdly, consolidation of these parcels back into resource blocks, if protected and zoned for such uses, is virtually impossible and impractical because of the number of owners to negotiate with and the high value of the land due in part to existing improvements.

Compatibility - Several circumstances exist that assure compatibility with adjacent land uses. Zoning density requirements, for one, limits total possible cabins or recreational dwellings to 10-12. This amount certainly can be accommodated easily into the existing on-site and major utility systems along Highway 2 04 (phone and electricity) if so desired. (See Umatilla Electric Co-op letter, Appendix C for Special Exception Area #1). Also, existing roads and required improvements to them outlined in the Development Code will assure safe and adequate access into and out of the area. Since there is existing recreational development to the north and east, the relatively small amount of planned recreational development permitted is a logical extension with little anticipated conflicts with the adjacent public land now used for recreational development permitted is a logical extension with little anticipated conflicts with the adjacent public land now used for recreational purposes (Woodward Campground). The larger adjacent parcels to the south and west should not be impacted anymore, than other parcels of similar circumstances and size adjacent to committed and developed land along the Tollgate Recreational Corridor. It has been repeatedly stressed and cannot be emphasized enough about the tremendous recreational use pressures in the Tollgate area, and in particular the immediate area under discussion. Nearby Langdon Lake, Spout Springs Ski Resort, Jubilee Lake, National Forest Service land, and the popularity of hunting, fishing, skiing, snowmobile trails and mushrooming all exert great pressures upon the land. Since the overwhelming use in the area is recreational, the impacts of planned recreational development upon these three properties will be compatible with the regional characteristics of the area. (See

Special Exceptions Area #1 discussion for statistical information on recreational use along Tollgate Highway 204).

Additional Justification Required by LCDC Continuance Order-Edwards/Undivided Ownerships Area (Old Cross Property) Explanation - The following facts pertinent to OAR 660-04-028 will support the conclusion that the four parcels in question can no longer be used for forest uses and are irrevocably committed to recreation activities. The four parcels described as parcels A, B, C and D on Map 18-16 titled "Edwards-Ellis Undivided Interest Properties" were originally included in the Developed/Committed Exceptions discussed of Tollgate-Subregion #6.

Location - This area is located north of Langdon Lake at the far east end of the Tollgate Highway Recreational Corridor (see Developed/Committed Lands, Map 18-24). The area is also about 2 to 3 miles west of Spout Springs Ski Resort.

Description and Land Use - The area in question involves four tax lots (parcels A, B, C and D on Map 18-24) and numerous ownerships. Parcel B has 11 undivided interests and along with parcel A (two undivided interests) has been involved in a lengthy court suit and land sue controversy. Parcels C and D are in common ownership. Total size of the area is approximately 122 acres. Parcel A has a recreational cabin built on it near Highway 204. North of the cabin is a 65• deep domestic well that serves water to this cabin and another one to the west. The west half of the property has been clear-cut. The north portion of parcel B is mostly wooded and currently vacant of recreational dwellings. There is approximately 15 leveled and cleared areas for anticipated cabin development. A 540• deep well has been drilled and is located in the far east end. Parcels C and D have been clear-cut recently and do not have any recreational cabins located on them.

Public Facilities and Services - A loop road (a private road system designed for a subdivision that did not get final county approval) dissects through both parcels A and B. This road connects to Highway 204 and is basically a dirt road since the anticipated subdivision was never completed. Parcels C and D have access from several private roads and easements. Electricity and phone utilities are nearby to the south along Highway 204. An electricity powerline cuts across the southern tips of parcels A and B and an underground powerline supplies electricity to the cabin on parcel A. Food and gas (service commercial facilities) are available about 1/2 mile to the west at the Tollgate Shopping Center and Tamarack Cafe.

Adjacent Land Uses - The predominate land use to the south is recreational home development (3 cabins and 7 small lots). There are several cabins to the southwest of the subject area. Of course, the extensive development (over 45 recreational dwellings) around Langdon Lake is located nearby to the southeast. National Forest Service land borders on the north and east sides. Most of the west side is bordered by a private 101 acre piece of property which is partly wooded and partly in meadows. There is a recreational cabin on the property near to Highway 204.

Pertinent Land Use Facts - The northern two parcels (A and B) have been entangled in a complex, long, and expensive land use effort. A chronology of events from materials presented to the County's District Attorney (Appendix Attachment F and G) show only in part what has transpired. Since June 1981, the owner withdrew his

subdivision proposal and was involved in a law suit with so called "prospective" buyers of the subdivision lots who in some fashion were involved financially (see Attachment H in appendix). The result of the lawsuit was an award to give parcel A to two of the "buyers" and parcel B to eleven different "buyers." Of course, these new owners all desire to still use the land for recreational purposes, but have been thwarted by the legal entanglements and finalization of the County's Comprehensive Plan. In formalizing the final plan and zoning for parcels A and B, the county chose to take an irrevocable committed exception based mostly upon the "vested" rights of the 13 owners of parcels A and B who have incurred thousands of dollars worth of court, attorney, tax, and other out-of-pocket costs in anticipation of developing the land for recreational purposes. Actual physical improvements on the land by the original developer and new owners such as road construction, domestic well development, leveling and clearing spots for recreational dwellings, and grooming clear-cut areas shows commitment of these parcels to recreational use rather than for resource designations and protection. The new owners of Parcel A have submitted a letter (Appendix Attachment I) showing the physical improvement costs involved to date in the attempt to develop parcels A and B for recreational use. The physical costs ($126,000) involve the purchase of land, grading and filling of the road system, expenses for three surveys to stake the entire perimeter of parcels A and C and setting brass pins in all corners, grading and clearing costs for recreational dwelling sites, cost of eight DEQ site approvals for septic tank installations on parcel A (see Appendix J), as well as costs for 20 plus excavation test holes for eventual DEQ approval, and costs involved in domestic well development on both parcels A and B. Over $48,475 has been spent in legal and additional costs, including court costs of the suit (attorney's fees) to obtain ownership from the original developer/owners, and the new owners' expenses such as travel and gas expenses and loss of wages from missing work to attend land use hearings. Attachment K in the appendix outlines total expenses (less physical improvement costs of $126,000 and attorney fees pertaining to the Edwards' parcel amounting to $8,000) which have been collectively expended for similar items mentioned above. This totals well over $356,000 dollars. The above financial and improvement commitments, along with the following, support the conclusion that this area is no longer practical to use for grazing or timber resource uses.

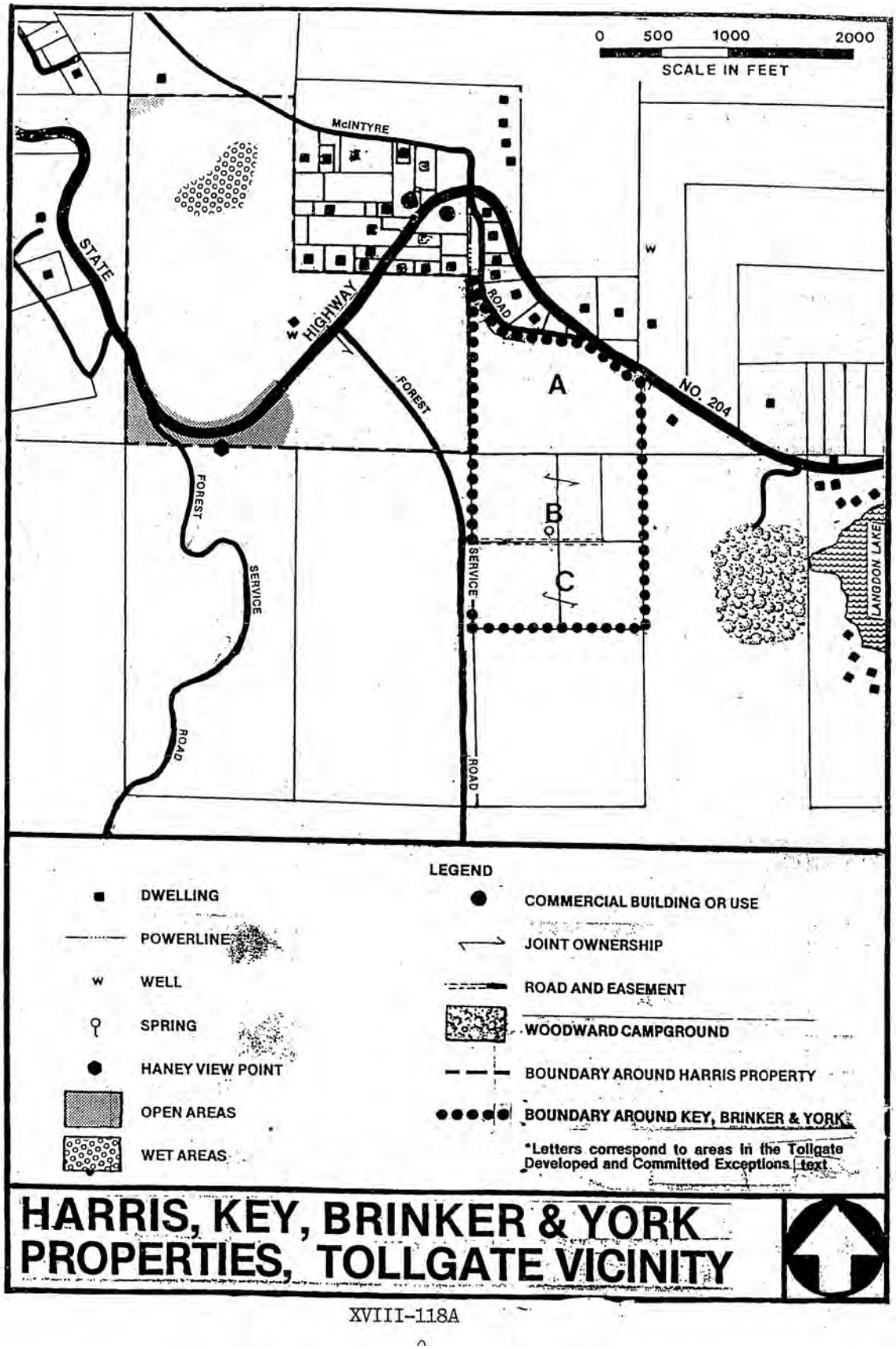
Resource Impracticalities - The numerous and complicated nature of ownerships involved in parcels A and B make it extremely difficult and unrealistic to buy out other interests for practical management purposes. None of these owners have resource management in mind nor are willing to sell it for such based upon the unique acquisition circumstances, expensive investments, and their testimony at numerous public hearings. Parcels C and B are too small (27 acres total) to manage for resource use, especially with incompatible recreational dwellings and lots adjacent to them to the south. Forestry practices of clear-cutting, slash burning, thinning and herbicide applications would definitely be land use conflicts here. These same kinds of complaints were received from adjacent property owners when some clear-cutting took place on parcels A and B. Cattle grazing is also not practical on these four parcels due to the uneconomic and impractical sizes and "recreational" property damage possibilities (e.g. damaged fencing, yard, landscaping, etc.) for existing

recreational homes and lots of the immediate south and southwest.

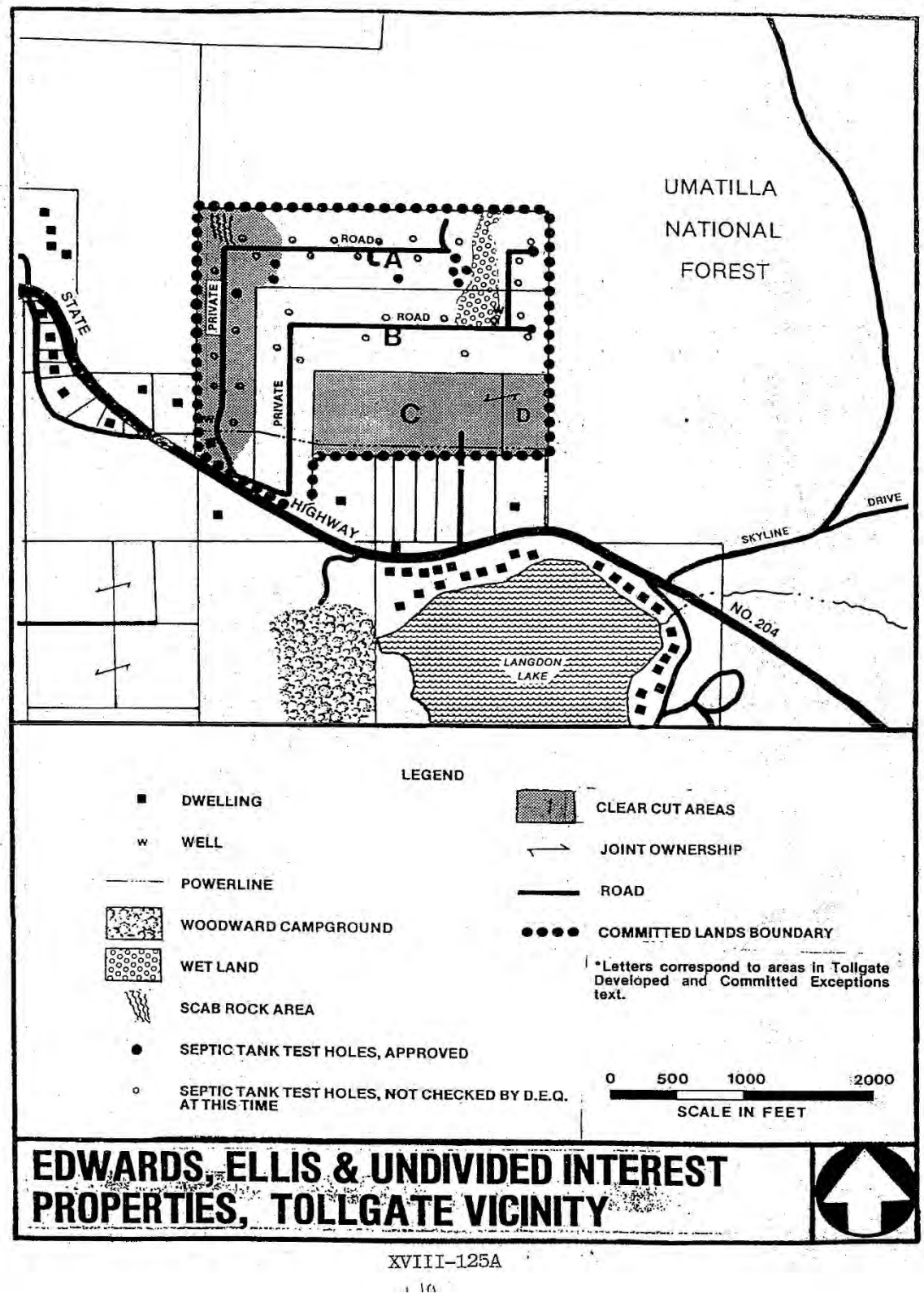
Compatibility - Several unique circumstances exist that will assure the area will be compatible with adjacent resource land and adjacent existing recreational development. First, although parcel A borders upon most of the adjacent resource and public ownership land, it is of a size (55 acres) that requires a cluster development plan. Cluster development standards are rather stringent and require buffering and other mitigating measures to protect nearby resource lands. Thus, a majority of the resource land near this area will be adequately protected and buffered if the eventual 11 cabins are developed on parcel A as allowed by the five acre zoning density. Parcel B only borders public forest land on its east end for distance of about 600 feet. Full development, then, (eight cabins total and only one cabin in this vicinity) will certainly have little impact upon adjacent public land as would also be the case with parcel D, where one cabin would border the same small distance of 600 feet upon public land. It should also be noted that public land (National Forest land) is not always used or managed for strictly resource purposes, but for many other uses often compatible with recreational cabins and related activities. Forest Service use figures (see Special Exceptions Area #1) definitely show that their lands in this vicinity are heavily recreated and definitely compatible with existing and planned recreational use on these four committed parcels. Full development (approximately 24 recreational dwellings) can be easily accommodated into the existing telephone and electricity systems as earlier written testimony indicates excess capacity. Clustering regulations that will apply to parcel A also require the preservation of trees and maintenance of aesthetics, an important compatibility policy demanded by Tollgate recreational property owners when major new development is to be started.

Neighborhood and Regional Characteristics - The predominate overall use of recreation and recreational homes now developed along the Tollgate Highway Corridor precludes the practical use of a majority of the lands in the vicinity for resource purposes. Excellent amenities such as good access, readily available utilities, nearby recreational developments, plus other regional recreation attractions such as Langdon Lake, Jubilee Lake, Spout Springs Ski area, and Woodward Campground (south and west of Langdon Lake} have tremendous negative influence upon practical and long range-resource management. County residents from the nearby population centers of Pendleton, Hermiston, Milton-Freewater, and Tri-Cities recreationalists, as well as people from nearby Union and Wallowa Counties, are attracted here and roam the area to hunt, berry pick, mushroom hunt, and participate in a variety of winter activities. Day use and destination type recreation (cabins) is increasing along with the increasing population. Much of the day use activities spill over onto private properties, which have created not only trespass and management problems with larger, more resource-oriented properties over 1/2 mile away north and south of Highway 204, but also with properties within 1/2 mile, whether resource or recreationally developed or oriented. The properties nearest the highway, therefore, have much recreation use, and thus a myriad of conflicts for resource management. Many owners have abandoned grazing and timber activities. All of the above shows that existing recreational use and development dictates this type of land use, especially on land near the vicinity of the Tollgate highway where the subject

parcels are located and where a majority of recreational activities now occur. (See Beard/Kiger Special Exceptions #1 for statistical recreational use information).



Map 18-15 – Harris, Key, Brinker and York Properties, Tollgate Vicinity (XVIII-118A)



Map 18-16 – Edwards, Ellis & Undivided Interest Properties, Tollgate Vicinity (XVIII-125A)

Area: Tollgate - Harris Property (Special Exceptions #4)

Number of Parcels	1
Average Parcel Size	120 acres
Number of Parcels Occupied by Mountain Recreation Buildings	1
TOTAL ACRES	120 acres (see #1 below and Map 18-24)

Findings and Conclusions:

1. This acreage is the lesser productive, most accessible area of a 200 acre property ownership.

2. Significant areas of open, rocky and sparsely timbered land classify parcel lesser-productive forest or grazing lands. Soil surveys confirm poor productivity.

3. Acreage is bounded on three sides by other properties having recreational development and small non-resource parcelization committed to multiple use activities. These factors irrevocably commit subject area to a non-resource use.

4. Acreage is divided by Highway 204 and has utilities nearby, thus providing excellent access and services for future multiple use development.

5. Property does not contain vital habitat for big game or wildlife, nor other resource values.

6. Approximately the south 80 acres of this property is excluded from multiple use commitment. This area has better timberlands, limited access, steep slopes, and projects into adjacent resource lands.

Additional Justification Required by LCDC Continuance Order Explanation - The below facts supporting an irrevocably committed exceptions will supplement the above findings and conclusions and more conclusively address OAR 660-04-028 requirements.

Location - The Harris property is located along both the north and south sides of Highway 204, approximately two miles west of Langdon Lake. It is within and a part of the approximately 12 mile Tollgate recreational corridor development found along the major access route of Tollgate Highway (see Developed/Committed Map 18-23 and Map 18-24).

Description and Land Use - The parcel in question (120 acres) has one recreational cabin located just north off Highway 204 in the east part of the property. A domestic well, out-building, and yard are improvements associated with this cabin. Overall the property is mostly wooded with several areas of open, rocky, non-tree growing soils (see Harris, Key, Brinker Map 18-16). The open areas occur in the extreme southwest corner and one area in the northwestern corner. One area has a high water condition that creates poor tree-growing circumstances. The overall property area has not been actively used for grazing or for the production of timber for many years, but for recreational purposes according to the owner (see attached owner statement, Appendix, Attachment C).

Public Facilities and Services - Access to the Harris property is served from almost all directions from as many as three different roads. State Highway 204 fronts on nearly three sides. It is a paved, two-lane road and

the main access for most of the recreational development on Tollgate Mountain. Mclntyre Road, a public road, fronts along most of the north property line. It is an adequately maintained road having a gravel surface. Another well-maintained gravel road (forest service owned) provides access to the southeast portion of the property. Electricity and phone utilities are available from major truck lines along Highway 204. Retail services are also very close (within l/8th mile) in the form of gas, food, and other related services.

Adjacent Land Uses - Approximately 30 cabins and two recreationally-related businesses are located along the northeast side of the Harris/Smith property. Several recreational cabins are sited along the north property line on both sides of Mclntyre Road. Property along the west border involves an irrevocably committed (to mountain residential uses) parcel justified in the Loop Highway Area Exceptions Statement. Land to the south partly involves property which is owned by Harris, being the portion of their property retained in resource use which the county felt projected too far out into resource land. Other land ownerships and uses on the south border involve an 80 acre parcel, intermittently grazed, which abuts along the Harris property for approximately 1/4 mile.

Resource Impracticalities - The predominance and presence of existing and proposed recreational development (including dwellings and commercial business) on three sides of the parcel create numerous land use conflicts with typical forestry practices of clear-cut logging, slash burn operations, herbicide applications and related noise and traffic—major concern of most recreational homeowners on Tollgate Mountain. Roads divide the 120 acres into smaller individual units, effectively reducing the overall effectiveness for resource management, especially in the southern portion (south of Highway 204). Location of the highway in relationship to the southern parts of the property and property line (especially southeast corner) along with the Forest Service road traversing through this area elongates and bisects the shape of the land (into two parcels of about 25 and 15 acres), and acts as a constraint to the efficient management of this area for forestry management and most forest uses (e.g. small area, property boundary complaints and internal restrictions of access right-of-way, ownership and right of use). Similar restrictions for practicable grazing use (a forest use in Goals 3 and 4) are inherent here, especially in the northern 80 acres, due to the presence of dense recreational development to the east. Livestock are usually free to roam and frequently cause property damage to fencing, yards, landscaping, small buildings and other associated improvements common to recreational dwellings. This was a frequent complaint of Tollgate residents (see Tollgate Citizens Committee Report). The incompatibility aspect is also supported by the property owners' statement attached. General soils information does not bear out the poor timber capabilities as indicated by the owners. This is due to the mapping techniques of the soil survey which do not map different soils that are less than 10 acres. The owners state that there are many small spots of shallow and poor quality soils and swampy land supporting alder and chaparral thickets that don't show up in the SCS. survey. The owners maintain that there are other compelling reasons that commit the land, thereby not warranting expert testimony by a forester that the land is poor timberland.

Compatibility - The location of the Harris property in relationship to existing nearby

recreational uses, and the location of and the tremendous influence of Highway 204 upon the overall recreational development pattern is such that the property does not project out into resource land but rather is in between existing recreational development. Future development would be an infilling and thus not only compatible with adjacent uses, but also compatible with existing public services and utilities in the immediate area. The Umatilla Electric Cooperative has said that planned doubling of recreational development on Tollgate Mountain can be handled with its present system. Existing roads and required improvements will provide more than adequate access to nearly any portion of the property and can thereby handle the anticipated full development of the property. Service facilities such as gas and food are only an eighth of a mile away (e.g. Tollgate Shopping Center, Tamarack Inn). Furthermore, development restrictions applicable to this property help further assure that new development will be compatible with the overall land uses in the immediate area. This property must be developed in a "clustered pattern" with site specific location considerations of compatibility, utility location, mitigating measures, aesthetics and other stringent standards (see Cluster Development Chapter in Development Ordinance). The parcel has adequate room (buffer area) on it to accommodate the additional 22 cabins allowed by zoning without interference with resource land to the south or even with adjacent recreational development. Clustering also requires amenities to be preserved in the undeveloped portions (e.g. non-removal of trees), which not only is compatible with overall recreational policies here, but also is compatible with a nearby viewpoint (Haney Viewpoint) that is maintained by the State Highway Division.

Regional Characteristics - Mentioned as an important conclusive factor of non-resource commitment for several other parcels (Davis, Beard/Giger, etc.) is that of the Tollgate Recreational Corridor development pattern. This pattern has dictated an overall use for recreational development, especially along Highway 204, where utilities, access, water availability and the like are readily available. Resource use, especially along the highway, has become impractical and in particular where adjacent recreational development exists. Even though a parcel might be of a resource management size, the interferences and overall amenities and influences of recreation heavily outweigh and make impractical the continued resource use of such parcels like the Harris property. In other words, the favorable attributes for resource use are no more and have given way to the predominate influence of recreation. Factual data on the substantial amounts of recreation use taking place along the Tollgate Corridor on National Forest Service land has been supplied (see Beard/Giger, Special Exceptions Area #1) as discussed earlier. The owners also re-emphasized and substantiate these use figures by pointing out the many recreational attractions that are located and taking place around their property (see pages 2 and 3 of Owners Statement, Attachment L Appendix).

Conclusion - It is by the regional development pattern and influence that the owners and the county feel that substantial evidence has been given to conclusively justify this parcel as committed to recreation or a multiple use plan designation. The other factors of compatibility, adequate public facilities, and poor resource aspects of the property are additional supporting evidences of recreational use commitment.

Area: Tollgate - Emminger Property (Special Exceptions #5)

Number of Parcels	2
Average Parcel Size	38 acres
Number of Parcels Occupied by Recreation Buildings	2
TOTAL ACRES	77.6 acres

Findings and Conclusions:

1. This committed acreage is the lesser productive, most accessible area of two 80 acre parcels under the same ownership.

2. Timber productivity on this portion of property is marginal, with ponding of water from springs creating growth and management problems.

3. Property has not been grazed for several years due to incompatibility problems with nearby recreational developments (see #4 below).

4. Committed area is bounded on three sides by one of the densest recreationally developed areas on Tollgate Mountain. This portion of the property is frequently over run by horseback riders, mushroom hunters, and motorcycle riders. A snowmobile trail also traverses the property in question. These factors help support a "committed" classification to a non-resource use.

5. Subject area is very near and for a short distance fronts onto Highway 204, and has necessary utilities which will not put unnecessary burdens upon county facilities if more intensively developed into recreational homes or uses.

6. The southern 80 acres of these two parcels are excluded from multiple use commitment. This area projects into adjacent resource lands now in active timber management. This area would then act as a buffer between resource and recreational development.

7. Subject property as well as most of development along Tollgate Highway is within an area described by a Department of Fish and Wildlife report (June 1987), as "never reverting back to timber or rangeland use" and where "there will be constant demand for additional development in the area."

TOLLGATE EMMINGER (SPECIAL EXCEPTIONS #5)—ADDITIONAL JUSTIFICATION

Explanation - The following justification is being submitted in response to LCDC's Continuance Order 87-CONT-251 of July 3, 1987. LCDC'S order is the result of a remand from the State Court of Appeals of Umatilla County's Acknowledgement Order 85-ACK-76, Case No. A38601. Emminger Property (Special Exceptions #5).

Petitioner, 1000 Friends of Oregon, contested LCDC's acknowledgement of the committed exceptions for this area. The Court of Appeals assignment of error caused LCDC to suggest the rezoning of this exceptions area to an appropriate resource plan designation and zoning.

The County, however, does not feel this area is grazing or forest resource land. The county believes that it can provide substantial evidence to conclusively show recreational residential commitment.

It was unfortunate the county did not provide the necessary exceptions evidence when earlier submitted in 1985. Proper and conclusive evidence could have been

offered. The decision not to expand the justification factors was partly a result of a recommendation of DLCD and later approval by LCDC that this exception area had been properly substantiated in 1985. The extent of heavily developed, adjacent recreational use in the immediate area was the main reason for proceeding with submittal as originally supported. In other words, the area was predominately in recreation-residential and commercial use with obvious resource incompatibilities and impracticalities needing little explanation.

Another reason not to more fully develop exceptions factors for this area was the fact that numerous other areas were felt to be more questionable exception lands by DLCD. To substantiate them would require extensive work and proving relevant factors of non-resource commitment. Workloads and time constraints dictated spending what little time remained to the other areas needing more substantial evidence and letting this exceptions area stand on its own.

Regrettably, the above decision left the subject exception area vulnerable to 1000 Friends' appeal. From the county's standpoint, contesting a very, very small acreage within a very large LCDC approved regional recreational exceptions area seems retaliatory. But now with adequate time to conclusively prove committed exceptions, the county will have another opportunity to finally resolve this matter.

The County's commitment statement is largely based on the record of approval of many other developed and committed areas and parcels along the Tollgate Recreational Corridor. Among those questionable and weakly supported exception lands reworked in 1985, eight areas were in the Tollgate Recreational Corridor, and all were successfully proven to be irrevocably committed to recreational residential use and no longer practicable for resource use. The regional and neighborhood recreational characteristics of Tollgate was a major reason for exceptions approval. All these eight areas were of similar size and even larger than the largest parcel within this exceptions area. Simply stated, the subject area is only one small portion of a very large regional recreational residential and commercial development on Tollgate Mountain. A regional characteristic exception for this area will be one element of proving a non-resource commitment of this area in relationship to the entire recreation corridor.

Location/History - From a regional recreational perspective, this exceptions area in the vicinity of the Chalet is located near the middle of an elongated nine mile corridor of non-resource recreational homes and cabins. There are a little over 79 acres involved in this exceptions statement compared to the 3,170 acres already substantiated as committed in the Tollgate Recreational Corridor (see Map 18-18& Map 18-19).

A 158 acre area had been considered and probably could be justified for committed exceptions, but the owner of the east 79 acre parcel wanted to remain in resource zoning, even though not in resource use. Not including this parcel is consistent with several other landowners who did not want recreational zoning within the recreational corridor in 1985. Therefore, only the west 79 acre area in three separate parcels had ownerships of 5, 10 and 64.8 acres will be justified for recreational residential use.

One aspect of this exceptions proposal (1987) is the slightly changed area than the 1985 exceptions proposal. Two years ago, the northerly one-half of two 79 acre tracts

was being considered for an exception. At that time, only one owner was involved. In 1987, there are four owners, but the proposed exception area is the same size as in 1985, only it is now more to the west, closer to greater concentrations of recreational residential development. The owner to the east does not wish to be in the exception statement (see Map 18-17).

Land Use - All of the three exceptions parcels are undeveloped. However, each parcel is used for recreational purposes as summer camping or winter recreational activities by the owners. All three parcels have questionable amounts of merchantable timberland with some small, interdispersed open areas where water ponds up or where there is rocky soil unable to support trees. Drainage and springs in the area create wet areas, causing growth restrictions for indigenous fir and spruce trees. Parcels like this exceptions area under discussion are typical of the Tollgate Recreational Corridor-that being if there are no permanent structures on these properties; they are used as temporary sites for hunting, summer vacation camping, or snowmobiling.

Adjacent Land Uses - The predominate land use in the immediate area is recreational home development. To the north is a mixture of 15 full-time and seasonal recreation cabins and dwellings on 11 small lots. Location of these homes and lots are between Highway 2 04 and the north property line of this exceptions area. There are another 26 recreational dwellings directly across Highway 204 to the north, plus the Tollgate Chalet. The Chalet is a family restaurant with a gas station and a 20 unit travel trailer/mobile home park. Total figures approach 60-65 recreation homes and mobile homes north of this exception area within a 1/8 mile distance. There is also a church camp bordering the northeast corner of the exceptions area.

All this heavy recreational development is shown on Map 18-17.

Two large, long-established adjacent recreation home developments are sited on the west and southwest. Blue Mountain Camp has 15 recreational dwellings, and the developed portion is only 500 to 1000 ft. to the west of the subject exception area. On the southwest corner of the 64.8 acre parcel is another private recreational home development (McDougal Camp) containing 17 dwelling units (see Map 18-17). Several dwellings border the northeast corner of the subject exceptions area.

The south boundary of this exceptions area abuts onto two parcels of 16 and 20 acres. They are under the same ownership as the 64 acre exceptions parcel. Though the uses occurring on them are the same (recreation), they are not included in the exceptions statement. These tracts are beyond the 1/2 mile corridor boundary along Highway 204 established by the Tollgate Citizens Committee. Beyond this line land is to be classified as resource land. The county has been consistent in complying with this policy despite areas of committed land beyond the corridor. Concentrating development in areas where services and access can be realistically and economically provided is the main purpose for this policy. Also, there is less chance of conflict between resource activities and recreational uses closer to the, existing recreational development near Highway 204.

A County road cuts across at an angle separating a small sliver of a 400 plus acre tract that lies between the 16 and 20 acre tracts just described above, and the county road. To the east lies the 79 acre tract

mentioned earlier as qualifying for an exception, but the owner desires to have it remain in resource zoning. Some incidental seasonal grazing occurs in this general area.

Public Facilities and Services - Highway 204 serves as the main access to the exceptions properties. It is the main arterial to most all the nine miles of recreational home development in the Tollgate area. The exception area is on the south side of Highway 204 within 500 ft. of this main access roadway. Ingress and egress are from several points along Highway 204. An easement road takes off from Highway 204 to the northwest and travels eastward across the entire north border of this exception area. The road is rather primitive.

Two other established roads come directly from the north off Highway 204 onto the general vicinity of the exception parcel. Several primitive roads meander throughout the area (see Map 18-17).

Electricity and phone utilities border on or are nearby all exceptions parcels. Both utilities are readily available and have expansion capabilities. This is true of all properties within the Tollgate Recreational Corridor and is substantiated by letters in the Appendix, Attachment C.

Neighborhood and Regional Characteristics This portion of the exception is justified based on the neighborhood and regional characteristic factor in OAR 660-04-028 (2) (d). The area is no different than all the other 3,170 acres justified and approved and acknowledged by LCDC due mostly to the tremendous regional recreational home influence upon area properties. More pointedly, the county will provide the necessary facts said lacking by the Court of Appeals. These facts show additional recreational uses are occurring in the area besides just berry picking and hiking. Furthermore, this exception shows that these additional recreational uses are of the incompatible, non-resource type effectively rendering resource use of the exception area impracticable.

The Tollgate area is by far the heaviest used and developed recreational area in the county. A near solid corridor of cabins, recreational trailers, and supporting commercial facilities on private property, extends some nine plus miles in Umatilla County along both sides of Highway 2 04. There are only a few gaps where recreational home development is less sparse, and all these gaps have been substantiated and conclusively proven to be committed to recreational residential development. By contrast, the subject area under discussion is near the middle of the corridor and in the most densely developed area. So, from a regional perspective, the county is attempting to except only 79 acres located within the nearly 3,200 acre recreational corridor appraised as exception lands by the state. Re-emphasized, this leaves only 79 acres and only three property owners along the intensively developed nine mile corridor that is being questioned by the Court of Appeals, 1000 Friends of Oregon and LCDC.

The extent of recreational development and its regional influence is also highlighted by the fact that within the state approved 3,170 exception acres; there are over 325 recreational dwellings. The density per dwelling averages one dwelling per 10 acres over a nine mile length. In fact, there are well over 50 additional recreational dwellings in the Tollgate vicinity just outside the recreational corridor. They are not as close or as impacted by the easy access of Highway 2 04 and the existing recreational home development along it, and thereby are not able to be justified under

current administrative rules as recreational exceptions lands. Their presence, however, helps substantiate the regional recreational use of the area. A portion of these other recreational dwellings also includes some cabins on Forest Service land just inside Union County, further extending this continuous regional recreational corridor another mile. The presence of Spout Springs, a ski facility, and Woodland Campground, also in Union County, only 2 1/2 miles from Umatilla County, also substantiates the vastness of regional recreational use of the area (see Map 18-18 & Map 18-19).

The long corridor development along Highway 204, including the large numbers of recreational dwellings within this area, puts extreme recreational use pressure upon all lands and land use activities in the general area, especially immediately along the highway. This highway is the only paved and all-seasoned maintained road into and out of the area. Recreational pressure is therefore persistent throughout the year. Also, the access aspect goes beyond just Highway 204 in that the Tollgate area is centrally located and easily accessible to four major population centers, three of which are out of Umatilla County (see "Location Map," in the upper left hand corner of "Tollgate Recreation Area" Map 18-18). These four population centers are: (1) Tri-cities, Washington (Richland, Pasco, and Kennewick) with a population of 100,000; (2) Walla Walla/College Place, Wash. With a population of 40,000; (3) LaGrande, Oregon in the Union County, population 12,000; (4) Pendleton/Milton-Freewater in Umatilla County, with a combined population of 20,000. This regional use aspect above is confirmed by the significant percentage of out of County ownerships in and adjacent to the Tollgate Exceptions Areas. A 1981 computer print-out of Tollgate property owners shows that 38% have permanent residences outside the county. Over 30% reside out-of-state, most from Washington State around the Walla Walla and Tri-cities areas. This number of out-of-state, out-of-county ownerships itself rather conclusively shows the tremendous regional recreational use that this area attracts. The subject exceptions area is very near and for a short distance abuts Highway 204. The site is very accessible, then, to the regional recreation use taking place on Tollgate. Further factual data supporting regional recreational commitment and/or influence upon Tollgate Corridor properties is substantiated by the Umatilla National Forest Supervisor's Office. In two of their letters, one dated August 13, 1980, the other May 16, 1985, (Attachment B in appendix) recreational use is most clearly shown by the enormous numbers of people using the forest service land and existing facilities within their jurisdiction that borders along less developed, LCDC approved, committed parcels on the east end of this corridor only one mile from this exceptions area. Clearly, on the developed sites, where day use figures directly correlate to a specific area, some 67,000 Recreation Visitor Days (RVD) in 1984 have been tabulated. This is up some 4,000 RVD's from the 1979 figures. (One recreation visitor day consists of 12 visitor hours spent by persons in any activities, except those which are part of or incidental to the pursuit of gainful occupation). This increase has occurred despite a worsening national, regional and local economy since 1980. The county believes that this increase relates to the numerous attributes and long-established recreational use in the general area.

The attributes of the Tollgate area attract a variety of recreational activities nearly the entire year round. Again, the above

mentioned letters from the Forest Service show the major recreation types occurring here, and rather vividly show the numbers pursuing these activities. While not all figures in the May 16, 1985, letter (Attachment B in Appendix) are exactly correlated to the Tollgate area, the snowmobiling, cross-country skiing, and snow play category figures very accurately reflect winter recreational use at Tollgate.

Tollgate has the only all seasoned maintained highway with the capability of conveniently bringing people into this mountainous area. Spout Springs, only six miles from the subject exceptions parcel under discussion, is a very popular ski area. Spout Springs is the only developed skiing facility having chair lifts, groomed runs, day use lodge and off-highway parking in this very large regional population area from which to draw. In the case of berry picking, the Tollgate area also receives the bulk of this activity, again due to the good highway access. The only dispersed recreational activity that recent Forest Service use figures may not appropriately reflect is hunting. The 165,900 RVD figures are for the entire Walla Walla Ranger District.

According to Lyn Roehm of the Umatilla National Forest Staff, breaking out 1984 RVD hunting use for just the Tollgate area is not possible at this time because of staff constraints. However, he indicates that the 40,000 RVD figure in the August 13, 1980 letter would still be a representative figure for the general Tollgate area. This figure might be on the conservative side. This would mean that nearly 2 5% of all hunting in the Walla Walla Ranger District takes place on Forest Service land along and in the general vicinity of Highway 204. The significance of mentioning these figures is that hunting means recreation, and this type of recreation has caused other recreational uses to locate here. This exception area is located only one mile from the center of this popular hunting area within the National Forest, and really in the middle of the more regional hunting area that occurs all along the Tollgate Highway from Weston, Oregon to Elgin in Union County. A regional recreation corridor has then developed along Tollgate Highway due in part to hunting's tremendous popularity. Cabins, dwellings and hunting coexist together to form the recreational corridor as it exists.

The above Forest Service data conclusively shows that heavy recreational use occurs in the Tollgate area. This use has been steady. Persistent recreational use has placed a lot of use pressure on private land, not only because of the always present need to recreate at fixed sites (owning your own land, having a cabin or trailer site in the mountains, heavy use of forest service camps), but also because people using forest service areas, more often than not, trespass onto these private lands. Many trespass despite warning signs and/or barriers. This is especially true of hunting and snowmobiling—the two more popular, dispersed recreational activities.

The specific impacts of general public trespassers upon the subject exceptions area are obvious, but will be specifically and more thoroughly discussed later. For now, however, it is important to note what the U.S. Forest Service plans and policies are for their lands, and what impacts and directions they will have upon the existing and future use of the subject exceptions properties.

The county is simply pointing out the regional recreational use perception in the Tollgate Corridor Area of which even Forest Service land is located along and similarly used for recreational purposes.

The subject exceptions area is only one small area within this corridor and, consequently, used for recreational purposes.

Forest Service plans and policies recognize the heavy recreational use on their lands along Highway 204 in the near vicinity of Special Exceptions Area #5 (see Map 18-17). The specific plan allocation emphasizes recreational activities over resource uses. In other words, the existing regional recreational use and value here predominates or is more important than the resource use and value. Quoting the forest management objective for this area: "To provide nearly all types of recreation, from the highly developed to the near primitive, located in one general area. The area should have a natural environment that has a potential for both summer and winter activities such as vehicle and tent camping, back-packing, horseback riding, trail-bike riding, skiing, snowmobiles, fishing and hunting." (Emphasis added; see Attachment #1 in Appendix). Policies within this land management type direct any timber harvesting or livestock range use to be subservient to recreation objectives. The Forest Service recognizes that commercial resource uses are impractical in the recreational corridor because of many conflicts with existing and established recreational use and users on their lands as well as with recreational activities taking place on private lands (includes subject exceptions area) in the near vicinity.

Another Forest Service policy applicable to the Tollgate area that helps support the county's regional recreation commitment of the subject exception properties is that existing recreational facilities on Forest Service lands just to the east will not be expanded, and that any new development is to be encouraged on private property. The county understands that the word "development" in this policy includes cabins and other commercial/recreational use not provided under Goal 4 (personal phone communication with Lyn Roehm, Forest Service employee). The county contends that this policy, along with the extensive regional recreational use and perception that this area has, and the nearness to Forest Service land, has caused the subject exception area to be used for recreation and not for commercial timber or grazing purposes.

Another fact showing regional recreational commitment in the Tollgate area is land curve value data used by the County Assessor's Office (see Attachments 2 and 3 in Appendix). Land values are very high, especially along Highway 204, because of the predominant and nearly exclusive recreational use of these properties. Also, recreational demand is calculated into these values. Recreation use is then perceived and the actual use is reflected in the higher land values assigned to properties here. The highest land values are given to those parcels where access is good, where land sales are most frequent, and where recreational use pressure is greatest. According to county appraisers, the highest values are placed upon lands within 3/4 to one mile back on either side of Highway 204. For example, one acre in the higher value area just described (see "Land Curve Weston Mountain", Attachment #2 in appendix) is valued at $6,874, whereas a one acre parcel in the lower value area beyond the one mile line (see "Very Limited Access", Attachment 3 in appendix) is valued at over 50% less or $3,000.

The point being made is three-fold: (1) Land values are very high within one mile along Highway 2 04, where this subject exceptions area is located; (2)

All exceptions properties in question are taxed based upon recreational value and use; and (3) The escalated values due to recreational use and somewhat to speculation make it too costly to purchase these exceptions parcels for resource uses. In other words, resource use of this exception area is rendered impracticable in part due to high land values and prices which are directly affected by the regional recreation use of the entire Tollgate area.

Traffic count data also supports regional recreational use along and in the vicinity of the subject exception lands. On the "Tollgate Recreation Area" map (Map 18-18) are 1983 average daily traffic count figures at selected sites along Highway 204. From west to east, the direction most all recreationalists travel, traffic figures drop, indicating the recreation use of adjacent private land. From the National Forest Service boundary, the count increases slightly to Langdon Lake. Then from there traffic counts decrease somewhat, all indicating use of the forest service lands and their facilities, and the significant recreational home development around Langdon Lake. Traffic count data at the Union County line east to just east of Skyline Drive again increases and then drops off slightly, again showing vehicles diverting off from or onto Highway 204 from the good Forest Service roads that lead to developed campsites (e.g. Target Meadows, Jubilee Lake, etc.) and other private recreational development along Tollgate Highway and Skyline Drive. It will again be noted that these private lands within the National Forest have been substantiated for commitment based upon the same regional characteristics exceptions criteria, and are located near lesser dense development and less convenient access points along Highway 204 than found at this exceptions area. According to the local state highway engineer, Highway 204 is the most heavily traveled state highway into the Blue Mountains in Umatilla County, and one of the busiest state highways passing over mountainous areas in Northeastern Oregon.

Again, the subject exceptions parcels have direct access along or access very near to Highway 204. Also, a heavily used Forest Service road and county road to the west and south respectively encircle the subject exceptions area. The opportunity to trespass and recreate on these parcels is tremendous because of the convenient location along this highway and these other two access roads.

Trespass problems due to access convenience are especially true in the wintertime, when side road use is restricted because of snow depths. This situation causes recreation use pressure to be concentrated on lands along snow-plowed Highway 204, especially in the vicinity of a few "side spot" parking areas. The Tollgate Chalet is across the highway (only 1000 ft. away) and is one of only four pull-off stops wide enough to park along the nine mile recreational corridor. The other pull-off point is just to the west at Blue Mountain Camp. Besides concentrating recreational use here due to parking opportunities, snowmobile traffic is also especially heavy here due to the many recreational homeowners in the vicinity and regional recreationalists snowmobiling along the county and forest service roads. These roads are cleared of trees offering a nice circle route. This situation is ideal for snowmobiling. Snowmobilers often cut across the entire exceptions area from all points along the circuitous route for shortcut purpose and more adventuresome forested snowmobiling. Young trees are often damaged as they are just above snow levels where snowmobiles run over them. Fence

cutting has occurred along with other minor damage and unfortunately some vandalism to property and other improvements.

Summer recreation pressures are also great in the immediate vicinity of the Tollgate Chalet because it attracts many traveling public. They stop here and eat or gas up recreational vehicles and then go off on short treks across private land. Similar vandalism occurs as described above from activities and associated pressures that take place in the winter. The only difference is that the incidence of fence cutting is greater during the summer and fall months.

All this year round recreational pressure has had significant negative impacts upon resource use attempts in the past and have prompted decisions not to use the subject exceptions land for resource purposes. The point here, however, is that the tremendous regional recreation use (especially in the fall and winter) and easy access that Highway 204 affords, both in part, proves the county's case that the subject exceptions properties are used and committed to a regional, recreational use. This use makes the subject exceptions parcels not practicable and no longer managed for resource purposes.

Compatibility - Several circumstances exist that assure compatibility with adjacent land uses next to the exceptions area. Zoning density requirements, for one, limits total possible cabins or recreational dwelling to 12-15. This amount certainly can be accommodated easily into the existing, on-site, major utility systems along Highway 204 (phone and electricity) if so desired (see Umatilla Electric Co-op letter, Attachment C in Appendix). Also, existing roads and required improvements to them outlined in the Development Code will assure safe and adequate access into and out of the area. Since there is extensive existing recreational development to the north and west and some development on the northeast, the relatively small amount of planned recreational development permitted is a logical extension with little anticipated conflicts with the adjacent land now used mostly for recreational purposes. (There are nearly 70 recreational dwellings now in the immediate area of the subject exceptions area).

Secondly, the larger exceptions parcel requires a cluster development plan (Comprehensive Plan, pg. 18-119, Policy #6). Cluster development standards are rather stringent and require buffering and other mitigating measures to protect nearby lands (Development Ordinance, Section 3.510 to 3.525). Blue Mountain and McDougal Camps adjacent to the west are long-established clustered developments, of similar sizes than would be potential development on the 64 acre exceptions parcel. Thus, the adjacent land in this area is the same type of use and is compatible or will be adequately protected and buffered if the eventual 10-12 recreational dwellings are developed on the larger tract involved in this exceptions.

Concluding, the resource zoned parcels to the south and southeast should not be impacted anymore than other parcels of similar circumstances and size adjacent to committed and developed land along the Tollgate Recreational Corridor. In fact, clustering standards will require the placement of dwellings and cabins away from property lines and away from the resource zoned land to the south, southeast and east. It has been repeatedly stressed and cannot be emphasized enough about the tremendous recreational use pressures in the Tollgate area, and in particular the immediate area under discussion. Nearby off-highway parking, the Tollgate Chalet, Langdon Lake, Spout Springs Ski Resort,

Jubilee Lake. National Forest Service land, used mainly for recreational activities, and the popularity of hunting, fishing, skiing, snowmobile trails and mushrooming all exert great pressures upon the land. Since the overwhelming use in the area is recreational and residentially related homes and cabins, the impacts of planned recreational development of these three exceptions properties will be compatible with the regional characteristics of the area.

Resource Impracticalities and Incompatibilities - The County has on many previous occasions listed the numerous resource management problems that exist for properties in the heavily recreated Tollgate area. Apparently, more specific documentation and/or expert testimony is now required to conclusively show commitment. The following will provide such documentation.

Timber management is a very cumbersome and virtually impossible proposition on parcels along the Tollgate Highway Corridor. This statement is according to Robert Messenger, a professional forester employed by Boise Cascade. During several April 1985 phone conversations with Robert Messinger, a District Timberlands Manager for Boise Cascade, it was his professional opinion that the subsequently approved LCDC exceptions lands along Highway 204 in the East Tollgate Area Exceptions were committed to recreational use (see Map 18-17). This approved exception area is only one mile away from the subject exceptions parcels under discussion. In a more recent phone interview, Mr. Messinger reiterated his professional opinion that all lands adjacent to or in the near vicinity of Highway 204 were impracticable for resource uses, especially timber management.

The reasons for Mr. Messinger's recreational commitment point of view was based upon his previous comments in 1985. These factors will be resummarized and correlated more specifically to the subject exceptions area in the following justification statement.

Mr. Messinger's main reason of recreational residential commitment of Tollgate Corridor properties is based upon conflicts with numerous existing incompatible land uses that do or will occur if normal timber management were to take place on the subject exceptions lands. He has seen and further visualizes conflicts in the form of noise, dust, road use, slash abatement, fenceline maintenance and chemical application. Specifically, the noise, dust and road problems are associated with timber cutting, skidding and log hauling. The noise of chainsaws and heavy skidding equipment is very often unacceptable near recreation homes as is the case in the vicinity of the subject exception parcels. Dust and traffic hazards from logging trucks is another continual forest management conflict common to the entire Tollgate Recreation Corridor Area. Vandalism and snowmobile damage are often a deterrent to growing trees in the Tollgate area.

Other existing and potential timber management conflicts come about from concern over the use of chemicals for insect and vegetation control. This is a controversial practice even though such a management tool may be the only economically practicable method of control. Very seldom will such an effective timber management practice be acceptable near existing cabins, homesites or other similar recreational improvements as is the case adjacent to these subject exception properties. Many, many homes, a church camp, and recreational commercial use are

near or adjacent to this exceptions area.

Another effective management tool not practicable in the Tollgate Recreational Corridor is prescribed fire that prepares a site for reforestation, either natural or planted. The smoke associate with this activity is not acceptable, especially near areas of intensive recreational use like that occurring on and adjacent to the exceptions parcels under discussion.

In conclusion, Mr. Messinger felt that most management activities necessary to optimize timber management and output from the exceptions properties are rendered impracticable because of the adjacent and very densely developed incompatible recreational commercial and residential uses. Even though some management activities are biologically sound and environmentally safe, they have been and usually are not always aesthetically and visually pleasing. The short-term visual quality of clear-cutting, burning, and replanting is not well received in an area of high recreational development like in the immediate area of this exceptions area. Mr. Messinger further expressed that even employing alternative forest management techniques that mitigate or resolve conflicts would be more expensive, and in some cases so expensive that they are not feasible. This would be the case for timber management attempts or conflict resolution alternatives on the subject exceptions lands because their location is nearly surrounded by heavily developed recreational homes and commercially related uses. Regionally, the subject exception area is also within a large recreation area highly valued for its restful aesthetics and scenic beauty.

None of the exceptions parcels are actively grazed or lease for intensive grazing use. These lands are no longer practicable for commercial grazing use in this recreationally dominated region for many of the reasons given above that make timber management impracticable. For example, the presence or recreational dwellings, their occupants and domestic animals (family dogs), and dispersed recreationalists using not only the subject exceptions lands but also adjacent committed lands and nearby National Forest areas, represent existing and potential problems should there be an attempt to again utilize this area for commercial grazing use. Much public testimony has indicated frequent property damage to recreational dwelling owners' yards and landscaping caused by unattended livestock. This has created incompatibilities and impracticalities to the point where livestock ranchers do not want to lease these lands. If the parcel is of any size, livestock operators are only interested if the land is fenced, and this is not practicable because fencing is expensive and is frequently damaged by hunters, snowmobilers, and even the natural elements (e.g. heavy snowfalls). Man caused damage is especially prevalent nearer the Tollgate Highway.

Fencing costs are usually $2,000 per mile but range from $3,000 to $4,000 per mile in the Tollgate area because extra support and wire are needed to withstand the winters (personal communication with Pendleton Grain Growers management who sell fencing materials, May 1985). Expected revenues from grazing leases do not even come close to justify fencing. Again, this is especially true when fences are repeatedly cut and/or run over. This fencing impracticability experience had been documented for several LCDC approved exceptions properties in the Tollgate Corridor.

Don Key, an owner of one of a smaller LCDC approved exceptions parcels (20

acres), had submitted a letter (Attachment #4 in Appendix) of grazing management problems along the Tollgate Recreational Corridor. His parcel is just to the west of Langdon Lake, about two miles from the subject exceptions area, but is applicable to all lands along Highway 204. The letter indicated that a maximum of $200 a year income was all that could be generated on his 20 acre parcel from grazing activities. He is a cattle rancher and farmer in West Umatilla County. (The largest parcel in this exceptions area is three times the size, thereby generating approximately $600 per year income). This is far from incomes associated with commercial operations. Mr. Key also said that the cost of providing water for livestock would be prohibitive. A well would have to be drilled at great expense for only a very small head of livestock and used only for a very limited time during the summer months. Nearly the same circumstances occurred on a majority of the LCDC approved exceptions parcels where no significant surface water sources existed. His letter also mentioned the often stated fact or argument of high, recreationally based land costs in this area being economically prohibitive for either resource land purchases or consolidation purposes. An earlier discussion of county appraiser land value curves used in the approval of regional characteristic exceptions for applicable lands along Tollgate substantiated this fact. This factor certainly applies to the subject exceptions parcels which are taxed for recreational use and not for resource. Resource uses are not occurring because they are impracticable, given the recreational nature of the area.

The major points being made regarding the above discussion of grazing impracticability's are: (1) Exceptions parcels are in three separate ownerships with little chance of consolidation; (2) Only one parcel is of a size that even begins to interest livestock operators, and then only if the land is fenced and some distance away from Highway 204 and some distance from recreational homes. The exceptions area is only 1/8 mile from Highway 2 04 and bounded by over 25 recreational dwellings to the west and north. The strong likelihood of frequent damage, repair and maintenance costs are not justified when considering the low income returns generated from short-term summer grazing on small tracts. (3) The larger parcel is simply too small for grazing use; (4) There are no resource attributes (e.g. water, large parcel sizes, compatible land uses) for practicable commercial grazing use on all of these subject exception lands.

There are several other forest uses under Goal 4 that cannot be practicably applied on the subject exceptions land due in part to existing incompatible recreational home development and the dominant regional recreational commitment in the area. However, the majority of these other forest uses really does not or no longer apply. Specifically, the area where the subject exceptions lands are located is not in a critical winter range for deer or elk. None of the exceptions lands have streams of any size that support fisheries habitat or water supplies used by others requiring protection. These exception lands are not needed for maintenance of clean air and water because, again, there are no major water supplies on them and air quality is excellent in the region. Therefore, the area wouldn't be affected by the insignificant additional development possible on the subject exceptions properties, especially in comparison to the extensive existing development. These exceptions lands are also within a regional recreational area, having low density zones (5 and 10 acre densities); and in the case of the 64 acre

parcel, clustering standards are required which permit both open space and most all types of recreational opportunities. Therefore, these parcels are not needed exclusively for open space, for noise buffers or for visual separators between conflicting uses. Lastly, the exceptions lands and general Tollgate area are not severe slope lands, have ground cover and are in a low wind area with stable soils. Therefore, the area is not classified as forest land needed for wind breaks.

Overall Conclusion - The County has provided an abundant amount of evidence that substantiates irrevocable commitment of the subject exceptions parcels as multiple use lands or for recreational dwellings and similar type uses and activities. Most all factors listed in Oregon Administrative Rule OAR 660-04-025 and 028 regarding irrevocable commitment justification have been addressed. The evidence documented under each commitment factor supports the fact that resource management is not practicable. For example, the county has conclusively shown that the subject exceptions parcels are only one small area within a very large regional, recreational use area. Also, the subject exceptions area is located within one of the densest and most heavily recreated areas of developed properties and dwellings found along the entire Tollgate Recreational Corridor. All the recreational uses in the immediate area have caused or created a situation where the use of the subject exceptions area is overwhelmingly committed to a variety of non-resource related recreation uses (e.g. cabins, dwellings, service commercial activities, church camps, snowmobiling, hunting, camping, etc.)

All the above situations render the subject exceptions area no longer practicable to use for resource management. Recreational pressure is so intense and it affects so many land use aspects (e.g. economic, social, environmental) that this regional development pattern dictates the infilling of similar recreational residential uses on the subject exceptions parcels. Resource management has been abandoned for the many facts outfitted above.

EAST TOLLGATE AREA EXCEPTIONS—ADDITIONAL JUSTIFICATION

The following material is in response to IOTC #5 on page 75 of the February 21, 1985, DLCD Acknowledgement Report. The report indicates that there is a lack of substantial evidence in the existing record to justify a rural recreation use exception for approximately 450 acres along or very near Tollgate Highway 204 in the Langdon Lake area. See map titled "Tollgate Recreation Area," Map 18-18. Further, the Acknowledgement Report strongly hints that the county would have to amend the plan and implementing ordinances consistent with Goals 3 and 4. Upon additional investigation and gathering more pertinent facts, the county still maintains there is substantial evidence to conclusively show recreational commitment for the property in question. Discussions with DLCD about the county's new findings indicate that DLCD is willing to adjust its IOTC statement and allow the county to submit the additional information to determine if substantial evidence of recreational use commitment exists.

The major concerns of DLCD regarding these properties are their somewhat sparse development and their supposed locality next to large resource parcels. The county will show, by expanding the committed lands exception requirements (OAR 660-04-028) and specifically compatibility factors

in OAR 660-04-0282(d) and (e), that the adjacent "resource" land mentioned by the state staff is Forest Service land. The county will show that the Forest Service land is being intensively used, planned and managed for recreational purposes; and that this situation and the existing enormous amount of cabin and recreational home development in the general area have greatly influenced and inhibited practicable resource use of the private land under discussion, located along the only major road (Highway 204) into this heavily recreated area.

Most other factors permitting an exception (e.g. physical development, existing adjacent uses, public facilities and services, parcel size and ownership patterns of subject area and adjacent lands) have already been explained in earlier exception attempts. (See pgs. 62 to 63 and pgs. 18-69 to 71). This new exceptions material is intended to supplement the existing facts. In a few instances, where appropriate, the county will expand upon previously submitted materials, especially facts rendering resource use impracticable, and offering other information showing that the application of Goals 3 and 4 is no longer possible or practicable.

Neighborhood and Regional Characteristics

The Tollgate area is by far the heaviest used recreational area in the county. A near solid corridor of cabins, recreational trailers, and supporting commercial facilities on private property extends some nine plus miles along both sides of Highway 204. There are only a few gaps where recreational home development is less sparse. The subject properties under discussion fit into this description. But again, from a regional perspective, the county is attempting to except some 3,300 acres of which nearly 2,850 acres is uncontested. This leaves only some 450 acres, among 11 property owners, along the intensively developed nine mile corridor questioned by DLCD or which the county contends and will show recreational commitment (see Map 18-18 & Map 18-19).

The extent of recreational development and its regional influence is also highlighted by the fact that within the 3,300 exception acres, there are over 325 recreational dwellings. The density per dwelling averages one dwelling per 10 acres over a nine mile length. In fact, there are well over 400 recreational dwelling in the Tollgate area on nearby properties not as close or as impacted by the easy access of Highway 204 and existing recreational home development along it, and thereby not able to be justified as recreational exception lands. These extra recreational dwellings also include some cabins on Forest Service land[1] just inside Union County, only one mile further east along Highway 204 from the subject exceptions properties.

The long corridor development along Highway 204, including the large numbers of recreational dwellings within this area, puts extreme recreational use pressure upon all lands and land use activities in the general area, especially along Highway 204. This highway is the only paved and all-seasoned maintained road into and out of the area. Recreational pressure is therefore persistent throughout the year. Also, the access aspect goes beyond just Highway 204 in that the Tollgate area is centrally located and easily accessible to four major population centers, three of which are out of Umatilla County (see Location Map 18-17). The four population centers are:

(1) Tri-cities, Wash. (Richland, Pasco, Kennewick) with a population of 100,000;

(2) Walla Walla/College Place, Wash., with a population of 40,000;

(3) LaGrande, Oregon in Union County, population 12,000;

(4) Pendleton/Milton-Freewater in Umatilla County with a combined population of 20,000. This regional use aspect above is confirmed by the significant percentage of out of county ownerships in and adjacent to the Tollgate Exceptions Areas. A 1981 computer print out of Tollgate property owners show that 38% have permanent residences outside the county. Over 30% reside out-of-state, most from Washington state around the Walla Walla and Tri-Cities areas. This number of out-of-state, out-of-county ownerships itself rather conclusively shows the tremendous regional recreational use that this area tracts.

Further factual data supporting regional recreational commitment and/or influence upon the subject parcels is substantiated by the Umatilla National Forest Supervisor's Office. In two of their letters, one dated August 13, 1980, (Attachment B in Appendix), the other May 16, 1985, (Attachment #1 in Appendix), recreational use is most clearly shown by the enormous numbers of people using the forest service land and existing facilities within their jurisdiction that borders next of the subject committed parcels. Clearly, on the developed sites, where farm use figures directly correlate to a specific area, some 67,000 Recreation Visitor Days (RVD) in 1984 have been tabulated. This is up some 4,000 RVD's from the 1979 figures. (One recreation visitor day consists of 12 visitor hours spent by persons in any activities, except those which are part of or incidental to the pursuit of gainful occupation). This increase has occurred despite a worsening national, regional and local economy since 1980. The county believes that this increase relates to the numerous attributes and long-established recreational use in the general area.

The location of these six developed sites are shown on Map 18-18. All are within five miles of the subject committed lands. Two of the campsites are within 1/4 to one mile. Proximity of these forest service camps to the subject exception properties generates obvious impacts upon both the forest service and exception lands. A more detailed discussion of these impacts upon the exceptions lands is discussed later.

The attributes of the Tollgate area attract a variety of recreational activities nearly the entire year round. Again, the above mentioned letters from the Forest Service show the major recreation types occurring here, and rather vividly show the numbers pursuing these activities. While not all figures in the May 16, 1985, letter (Attachment #1 in Appendix) are exactly correlated to the Tollgate area, the snowmobiling, cross-country skiing, and snow play category figures very accurately reflect winter recreational use at Tollgate. Tollgate has the only all-seasoned maintained highway with the capability of conveniently bringing people into this mountainous area. Spout Springs, only three to four miles from the subject exceptions parcels under discussion, is a very popular ski area. Spout Springs is the only developed skiing facility having chair lifts, groomed runs, day use lodge and off-highway parking in this very large regional population area from which to draw. In the case of berry picking, the Tollgate area also receives the bulk of this activity, again due to the good highway access. The only dispersed

recreational activity that recent forest service use figures may not appropriately reflect in the Tollgate area is hunting. The 165,900 RVD figure is for the entire Walla Walla Range District. According to Lyn Roehm of the Umatilla National Forest staff, breaking out 1984 RVD hunting use for just the Tollgate area is not possible at this time because of staff constraints. However, he indicates that the 40,000 RVD figure in the August 13, 1980, letter would still be a representative figure for the general Tollgate area. This figure might be on the conservative side. This would mean that nearly 25% of all hunting in the Walla Walla Ranger District takes place on Forest Service land along and in the general vicinity of Highway 204. The subject committed parcels are located right in the center of this popular hunting area.

The above Forest Service data conclusively shows that heavy recreational use occurs in the Tollgate area. This use has been steady, with a slight increase at developed sites. This has placed a lot of use pressure on private land in this area, not only because of the always present desire to recreate at fixed sites (owning your own land, having a cabin or trailer site in the mountains, heavy use of forest service camps), but also because people using forest service areas more often than not trespass onto these private lands. Many trespass despite warning signs and/or barriers. This is especially true of hunting and snowmobiling— the two most popular, dispersed recreational activities.

The specific impacts of general public trespassers upon the subject exceptions parcels are obvious, but will be specifically and more thoroughly discussed later. For now, however, it is important to note what the U.S. Forest Service plans and policies are for their lands, and what impacts and directions they will have upon the existing and future use of the subject exceptions properties.

Forest Service plans and policies recognize the heavy recreational use on their lands along Highway 204 in the immediate area with the subject exceptions properties. The specific plan allocation emphasizes recreational activities over resource uses. In other words, the existing regional recreational use and value here predominates or is more important than the resource use and value. If this is the case with a much larger area like for Forest Service property, it certainly is true of a much smaller area in the very same vicinity as are the few remaining exceptions parcels. Quoting the forest management objective for this area: "To provide, nearly all types of recreation, from the highly developed to the near primitive, located in one general area. The area should have a natural environment that has a potential for both summer and winter activities such as vehicle and tent camping, back-packing, horseback riding, trail-bike riding, skiing, snowmobiles, fishing and hunting." (Emphasis added; see Attachment #1 in Appendix). Policies within this land management type direct any timber harvesting or livestock range use to be subservient to recreation objectives. The Forest Service recognizes that commercial resource uses are impractical here because of the many conflicts with existing and established recreational use and users on their lands as well as with recreational activities taking place on private lands (includes subject exception properties) in the immediate vicinity.

Another Forest Service policy applicable to the Tollgate area that helps support the county's regional recreation commitment of the subject exception properties is that existing recreational facilities on Forest Service lands will not be expanded, and that

any new development is to be encouraged on private property. The county understands that the word "development" in this policy includes cabins and other commercial/recreational uses not provided under Goal 4 (personal phone communication with Lyn Roehm, Forest Service employee). The county contends that because of this policy and the extensive regional recreational use and perception that this area has, that the subject exceptions lands have been and are being used for recreation and not used for commercial timber or grazing purposes.

Another fact showing regional recreational commitment in the Tollgate area is land curve value data used by the County Assessor's Office (see Attachments 2 and 3 in Appendix). Land values are very high, especially along Highway 204, because of the predominant and nearly exclusive recreational use of these properties. Also, recreational demand is calculated into these values. Recreation use is then perceived as actual and is reflected in the higher land values assigned to properties here. The highest land values are given to those parcels where access is good, where land sales are most frequent, and where recreational use pressure is greatest. According to county appraisers, the highest values are placed upon lands within 3/4 to one mile back on either side of Highway 204. For example, one acre in the higher value area (see "Land Curve Weston Mountain," Attachment #2 in Appendix) is valued at $6,874, whereas a one parcel in the lower value area (see "Very Limited Access," Attachment #3 in Appendix) is valued at over 50% less or $3,000.

The point being made here is two-fold: (1) Land values are very high within one mile along Highway 204, where all the subject exceptions parcels are located; and (2) The escalated values due to recreational use and somewhat to speculation make it too costly to purchase these exceptions parcels for resource uses. In other words, resource use. of these exception parcels is rendered impracticable in part due to high land values and prices, which are directly affected by the regional recreation use of the entire Tollgate area.

Traffic count data also supports regional recreational use along and in the vicinity of the subject exception lands. On the "Tollgate Recreation Area" Map 18-18 are 1983 average daily traffic count figures at selected sites along Highway 204. From west to east traffic figures drop at the Forest Service boundary, indicating the recreation use of private land. From the Forest Service boundary, the count increases slightly to Langdon Lake. Then from there traffic counts decrease somewhat, all indicating use of the forest service lands and their facilities, and the significant recreational home development around Langdon Lake. Traffic count data at the Union County Line east to just east of Skyline Drive again increases and then drops off slightly, again showing vehicles diverting off from or onto Highway 204 from the good Forest Service roads that lead to developed campsites (e.g. Target Meadows, Jubilee Lake, etc.) and other private recreational development along Skyline Drive. According to the local state highway engineer, Highway 204 is the most heavily traveled state highway into the Blue Mountains in Umatilla County, and one of the busiest state highways passing over mountainous areas in Northeastern Oregon.

Again, the subject exceptions parcels have either direct access along or access very near to Highway 204. The opportunity to trespass and recreate on these parcels is tremendous because of their convenient location along

this highway. This is especially true in the wintertime, when side road use is restricted because of snow depths, and therefore recreation use pressure is concentrated on lands along snow-plowed Highway 204. Snowmobile traffic is especially heavy on the Key, York, and Harris properties (see Map 18-15) where a groomed snow bike trail crosses through this general area, creating feeder trails on portions of all three of these parcels. Another heavily used snowmobile area is the Edwards/Ellis undivided interest properties (see Map 18-16), where two cleared major overhead electrical transmission lines traverse through the trees, which makes snowmobiling ideal. Snowmobiling is also heavy on the Harris property (see Map 18-15), where all the existing roads through and bordering the property and the adjacent cabins and commercial facilities, especially to the northeast, create heavy snowmobile use on it. This has had significant negative impacts upon resource use attempts in the past (see Attachment C in Comprehensive Plan Appendix and "Resource Impracticalities" section which follows for a more detailed discussion). Again, snowmobiling and other recreational activities mentioned earlier negatively impact resource capabilities. Particular impacts will be discussed later. The point here is that the tremendous regional recreation use (especially in winter) and easy access that Highway 204 affords, in part, proves the county's case that the subject exceptions properties are used and committed to a regional, recreational use, making the subject exceptions parcels not practicable, and no longer managed for resource purposes.

Concluding this neighborhood and regional recreational use commitment section, the county has shown conclusively that the subject committed parcels are only a few properties intermixed within a very large recreational use area. Not only do the subject committed parcels border privately owned and developed recreational properties and dwellings, but also they are located in the middle of a heavily recreated portion of the National Forest. All of the recreational use throughout the area, both dispersed and site developed, has caused or created a situation where the use of the subject exceptions parcels is overwhelmingly committed to a variety of recreation uses (e.g. cabins, dwellings, camping, etc.) and is no longer practicable to use for resource management. Recreational pressure is so intense and it affects so many land use aspects (e.g. economic, social, environmental) that this regional development pattern dictates the infilling of similar recreational uses on the subject exceptions parcels. Resource management has been abandoned.

Resource Impracticalities and Incompatibilities - The County has on many previous occasions listed the numerous resource management problems that exist for properties in the heavily recreated Tollgate area. Apparently, more specific documentation and/or expert testimony is now required to conclusively show commitment. The following will provide such documentation.

Timber management is a very cumbersome and virtually impossible proposition on the subject exceptions parcels according to a professional forester from Boise Cascade. During several April 1985 phone conversations with Robert Messinger, a District Timberlands Manager for Boise Cascade, it was his professional opinion that the subject exceptions lands along Highway 204 are committed to recreational use.

The reason for Mr. Messinger's recreational commitment point of view is based largely

upon conflicts with numerous existing incompatible land uses that will occur if normal timber management were to take place on the subject exceptions lands. He has seen and further visualizes conflicts in the form of noise, dust, road use, slash abatement, fence line maintenance and chemical application. Specifically, the noise, dust and road problems are associated with timber cutting, skidding and log hauling. The noise of chainsaws and heavy skidding equipment is very often unacceptable near recreation homes as is the case in the vicinity of the subject exception parcels. Dust and traffic hazards from logging trucks is another continual forest management conflict common' to the Tollgate area.

Other existing and potential timber management conflicts come about from concern over the use of chemicals for insect and vegetation control. This is a controversial practice even though such a management tool may be the only economically practicable method of control. Very seldom will such an effective timber management practice be acceptable near existing cabins, homesites or other similar recreational improvements as is the case adjacent to these subject exception properties.

Another effective management tool not practicable in the Tollgate area is prescribed fire that prepares a site for reforestation, either natural or planted. The smoke associated with this activity is not acceptable, especially near areas of high recreational use like that occurring on and adjacent to the parcels under discussion.

In conclusion, Mr. Messinger felt that most management activities necessary to optimize timber management and output from the exceptions properties are rendered impracticable because of the existing adjacent incompatible recreational uses. Even though these management activities are biologically sound and environmentally safe, they have been and usually are not always aesthetically and visually pleasing. The short-term visual quality of clear-cutting, burning, and replanting is not well received in an area of high recreational development like in a location such as Tollgate. Mr. Messinger further expressed that even employing alternative forest management techniques that mitigate or resolve conflicts would be more expensive, and in some cases so expensive that they are not feasible. This would be the case for timber management attempts or conflict resolution alternatives on the subject exceptions lands because their location is near and sometimes immediately adjacent to existing recreational homes and development, and within a large recreation area highly valued for its restful aesthetics and scenic beauty.

None of the exceptions parcels are actively grazed or leased for intensive grazing use. These lands are no longer practicable for grazing use in this recreationally dominated region for many of the reasons given above that make timber management impracticable. For example, the presence of recreational dwellings, their occupants and domestic animals (family dogs), and dispersed recreationalists using not only the subject exception lands, adjacent committed lands, and nearby National Forest areas, represent existing and potential problems should there be an attempt to utilize this area for commercial grazing use. Much public testimony has indicated frequent property damage to recreational dwelling owners' yards and landscaping caused by unattended livestock ranchers do not want to lease these lands. If the parcel is of any size, livestock operators are only interested if the land is

fenced, and this is not practicable because fencing is expensive and is frequently damaged by hunters, snowmobilers, and even the natural elements (e.g. heavy snowfalls). Fencing costs are usually $2,000 per mile but range from $3,000 to $4,000 per mile here because extra support and wire are needed to withstand the winters (personal communication with Pendleton Grain Growers management who sell fencing materials, May 1985). Expected revenues from grazing leases do not even come close to justify fencing. Again, this is especially true when fences are repeatedly cut and/or run over. This fencing impracticability experience had been documented for the Harris property. It is the largest subject exception parcel (120 acres—see Attachment L in Appendix). The same livestock management problem would exist on the other subject exceptions parcels. They are located in the same area, have the same recreation pressures and incompatibilities as the Harris tract, and in most cases are much smaller and less economically feasible. One exceptions parcel is similar in size (100 acres), wo others are around 45 acres, and the remaining eight exceptions parcels are five to 30 acres in size. Don Key, an owner of one of the smaller exceptions parcels (20 acres), has submitted a letter (Attachment #4 in Appendix) which indicates that a maximum of $200 a year income is still all that could be generated on his 20 acre parcel from grazing activities. He is a cattle rancher and farmer. He also says that the cost of providing water (which is hot on his property) for livestock would be prohibitive. A well would have to be drilled at great expense for only 20 head of livestock and used only for a very limited time during the summer months. Nearly the same circumstances occur on a majority of the exceptions parcels where no significant surface water sources exist. His letter also mentions the often stated fact or argument of high, recreationally based land costs in this area being economically prohibitive for either resource land purchases or consolidation purposes. An earlier discussion of county appraiser land value curves used in the Tollgate area substantiates this fact for 11 of the subject exceptions parcels.

The major point being made regarding the above discussion of grazing impracticability is that: (1) A majority of the exceptions parcels are separately owned with little chance of consolidation (11 of 13 parcels are separately owned); (2) Of the eleven ownerships, only two are of sizes that just begin to interest livestock operators, and then only if the land is fenced; but the expensive cost of fencing isn't justified because of frequent damage and continued additional expense to repair and the ow income returns generated from short-term summer grazing on small tracts; (3) The remaining nine parcels are simply too small for grazing use; (4) There are no resource attributes (e.g. water, large parcel sizes, compatible land uses) for practicable grazing use on all of these subject exception lands.

There are several other forest uses under Goal 4 that cannot be practicably applied on the subject exceptions lands due in part to existing incompatible recreational home development and the dominant regional recreational commitment in the area. However, the majority of these other forest uses really do not or no longer apply so any impracticalities will be discussed later under the "Other Relevant Factors" section of this exceptions statement [OAR 660-04-028 (2) (g)].

Compatibility - Showing compatibility with existing land uses, activities and land use

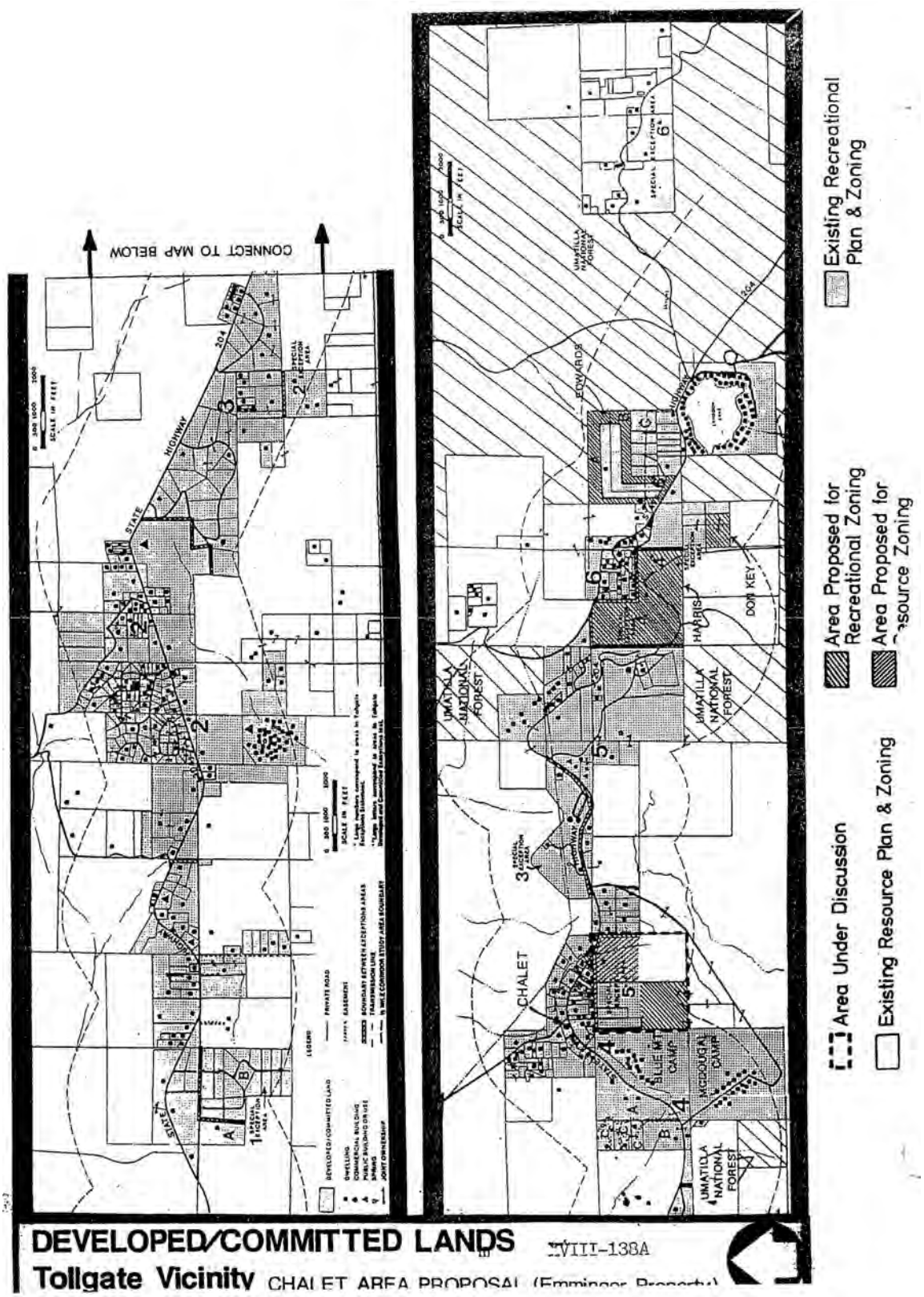
goals is another factor that demonstrates irrevocable commitment. Recreational development on the subject exceptions parcels is and would be compatible in a number of ways. First, the small area involved would be mostly an infilling of development along the vast nine mile long Tollgate recreation corridor. The infilling area would be confined along the same basic development corridor area already accepted by LCDC (see Tollgate Recreation Area Map 18-18). However, in this location the adjacent land is National Forest property designated for long-range recreation use instead of private timber company and livestock rancher resource land that abuts the other LCDC approved developed/committed recreational lands to the west. In other words, the subject exceptions parcels, if fully developed, would be a logical progression of existing recreational development and more importantly, does not project out into nor adversely impact land managed exclusively and intensively for resource purposes. In fact, this development pattern is being encouraged by the Forest Service by their policy of encouraging recreational development onto private property rather than on National Forest Service land. Since the overwhelming use in the region is recreational, the impacts of planned recreational development upon these exceptions parcels will be compatible with the regional recreational characteristics of the area.

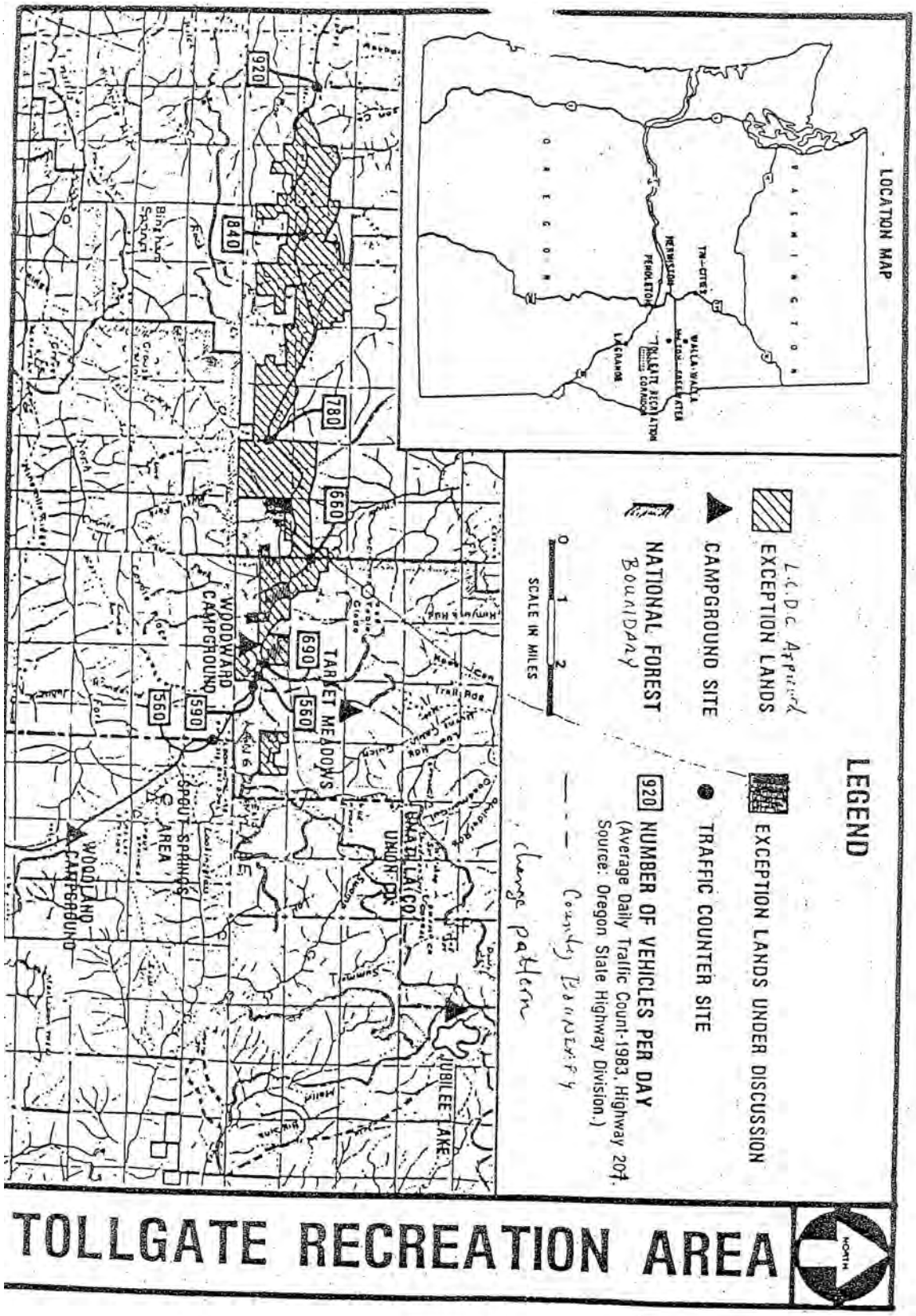
A second compatibility fact that relates to the above regional compatibility discussion is the limited and controlled development that can take place on the exceptions parcels prescribed by plan policies and development ordinance standards. These controls help further assure compatibility with existing adjacent land uses. Zoning density requirements applied to the exceptions lands along with consideration of existing development and remaining developable vacant land on them limits total possible cabins or recreational dwellings to 60 to 65 units. About half of these units (those possible on the three larger parcels that border on Forest Service land) would be required to cluster. Cluster development standards are rather stringent and require buffering and other mitigating measures to protect and conform with adjacent land use and activities. Cluster regulations, for example, require he preservation of trees and maintenance of aesthetics, both important compatibility policies requested by Tollgate recreational property owners when major new development is to be started (see pages 18-71 to 73) of the Comprehensive Plan for previous discussion regarding clustering and compatibility aspects required on several of the subject exceptions properties). The other remaining thirty or so recreational dwellings possible would be on the smaller exceptions parcels which either border right along Highway 204 adjacent to and between existing recreational development, and the larger exceptions parcels where clustering is required. In this latter instance, future recreational development would be very compatible with similarly used adjacent lands. it must also be noted that it is highly unlikely that full development will occur. Existing development densities indicate that 30 more, cabins would result, which reduced incompatibilities significantly. The third compatibility aspect involves public service and facilities. Public testimony and written correspondence (Attachment C in Appendix) provides facts that required utilities and services for planned recreational development in the Tollgate area (includes exceptions parcels) can be accommodated considering existing and future service capabilities and facility capacities. Frontage on Highway 204 or nearness to it and

requirements in the Development Ordinance pertaining to existing and future easements and interior roads do now and/or will provide adequate ingress and egress and fire safety concerns.

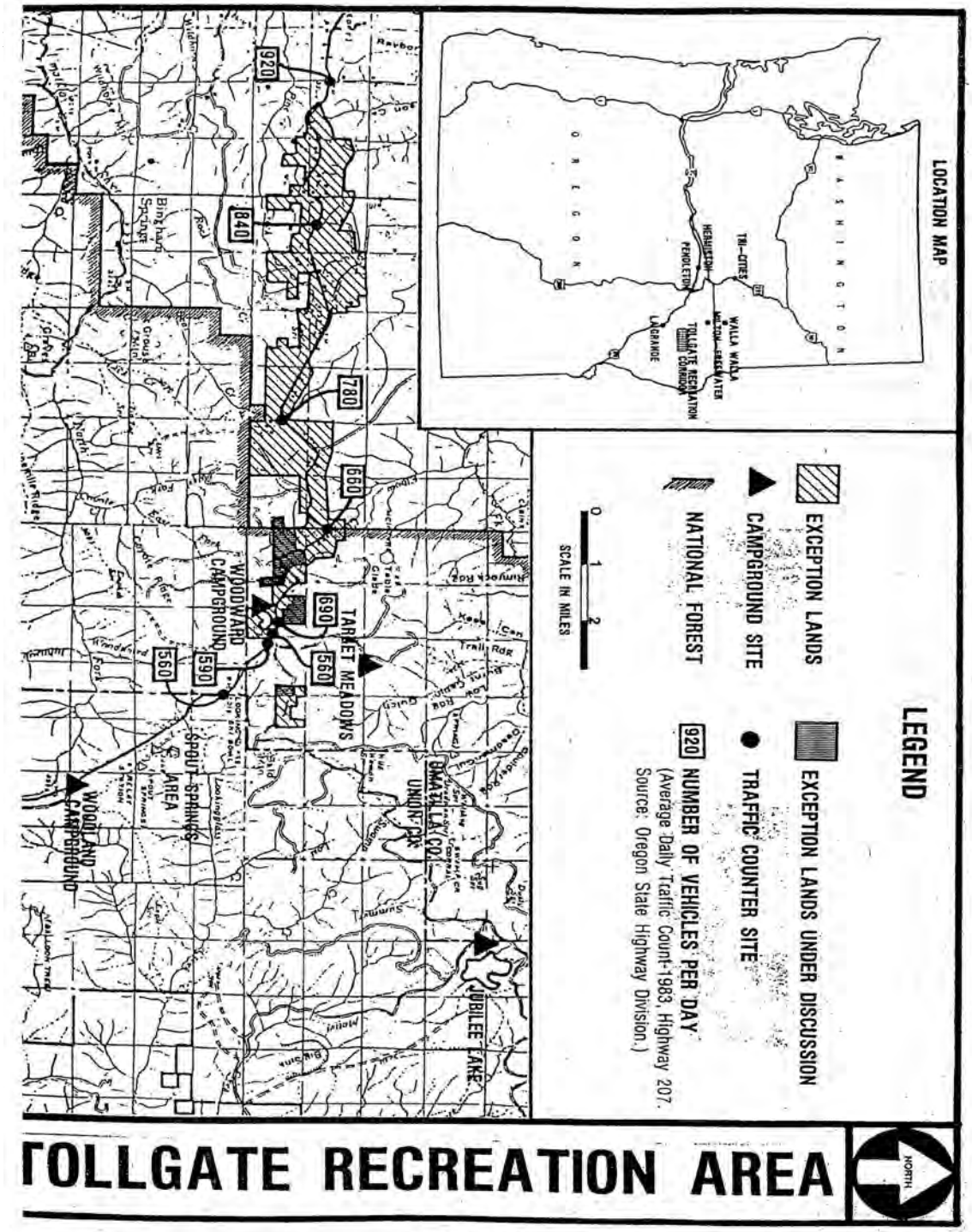
Other Relevant Factors - Other forest uses allowed in Goal 4 either do not apply or would not conflict with existing and proposed uses on the subject exceptions parcels. The area where the subject exception lands are located is not in a critical winter range for deer or elk (see map in Technical Report). None of the exceptions lands have streams of any size that support fisheries habitat or water supplies used by others requiring protection. These exception lands are not needed for maintenance of clean air and Water because again, there are no major water supplies on them and air quality is excellent in the region and wouldn't be affected by the small additional development possible on the subject exceptions properties, especially in comparison to the extensive existing development. These exceptions lands are also within a regional recreational area, having low density zones (5 and 10 acre densities) and in some instances clustering requirements which permit both open space and most all types of recreational opportunities. Therefore, these parcels are not needed exclusively for open space, for noise buffers or for visual separators between conflicting uses. Lastly, the exceptions lands and general Tollgate area are relatively level, well vegetated, and in a low wind area with stable soils. Therefore, the area is not classified as forest land needed or protection from wind and water.

Conclusion - The County has provided an abundant amount of evidence that substantiates irrevocable commitment of the subject exceptions parcels as multiple use lands or for recreational dwellings and similar type uses and activities. Most all factors listed in Oregon Administrative Rule OAR 660-04-025 and 028 regarding irrevocable commitment justification have been addressed. The evidence documented under each commitment factor supports the fact that resource management is not practicable, the predominance of existing recreational home development and use, the predominant singular ownerships and recreational parcel size patterns, the influence of a regional recreational development and use pattern upon land use activities, choices and land appraisal values, the adequacy of public facilities and services, and compatibility with adjacent lands if the exceptions parcels were developed for recreational activities; and other relevant factors showing that Goals 3 and 4 cannot be practicably applied to the 450 exception acres being sought for recreational commitment.


CONNECT TO MAP BELOW
CONNECT TO MAP ABOVE
HIGHWAY
STATE
CHALET
UMATILLA NATIONAL FOREST
DOM KEY
HARRIS
EDWARDS
Existing Recreational Plan & Zoning
Area Proposed for Recreational Zoning
Area Proposed for Resource Zoning
Area Under Discussion
Existing Resource Plan & Zoning
DEVELOPED/COMMITTED LANDS
Tollgate Vicinity
CHALET AREA PROPOSAL (Emminger Property)
VIII-138A


LOCATION MAP
WASHINGTON
OREGON
TRI-CITIES
WALLA WALLA
PENDLETON
LA GRANDE
LEGEND
L.C.D.C. Approved
EXCEPTION LANDS
EXCEPTION LANDS UNDER DISCUSSION
CAMPGROUND SITE
TRAFFIC COUNTER SITE
NATIONAL FOREST BOUNDARY
920 NUMBER OF VEHICLES PER DAY
(Average Daily Traffic Count-1983, Highway 204.
Source: Oregon State Highway Division.)
County Boundary
change pattern
0 1 2
SCALE IN MILES
TOLLGATE RECREATION AREA
NORTH
920
840
780
660
690
560
590
WOODWARD CAMPGROUND
TARGET MEADOWS
SPOUT SPRINGS AREA
WOODLAND CAMPGROUND
BALDLAICO
UNION PR
JUBILEE LAKE
Trail Rds

XVIII-144A



XVIII-166A

Map 18-19 – Tollgate Recreation Area 2 (XVIII-166A)

East Tollgate Area Exception Area: Tollgate-Skyline Drive Area (Special Exceptions #6)

Number of Parcels	26
Average Parcel Size	6.8 acres
Number of Parcels Occupied by Recreational Development	10
Largest Parcel	44 acres
Smallest Parcel	.13 acres
TOTAL ACRES	176.83 acres

Findings and Conclusions

1. Significant parcelization with nearly 40% of the lots developed helps define area as developed and committed to non-resource uses.

2. The average parcel size and percentage of development equals other exceptions subregions along the Tollgate Highway where lands have been classified for multiple use and considered no longer for resource management.

3. Access to this area is provided by a major and soon to be paved Forest Service road which is one requirement of exceptions to the resource goal.

4. Area is not within any identified critical winter range for deer or elk and is recognized by several timber industries as being difficult, if not impossible, to organize and manage the many parcels, with scattered cabins, into land units conducive for timber harvesting.

5. All parcels have been zoned recreational residential one area minimum since 1972 and have been taxed on recreational value, recognizing the existing, non-resource uses occurring here, further showing recreational use of the area.

ADDITIONAL JUSTIFICATION REQUIRED BY LCDC CONTINUANCE ORDER (FISK PROPERTY—PART OF SPECIAL EXCEPTIONS AREA #6)

A. IOTC Explanation and Statement #5
DLCD's acknowledgment report of February 21, 1985, states that the County has not provided substantial evidence to justify non-resource exceptions for this 43.4 acre parcel. The resultant IOTC (page 75 of report) requires that with lands within the Tollgate area, where an exceptions failed to satisfy a developed/committed exception, the County has to amend the plan and zoning consistent with Goal 3 and Goal 4. After additional investigation, gathering of more facts, and after initial discussions with DLCD, DLCD may be willing to adjust its IOTC amendment requirement pending review of the additional information to determine if substantial evidence of recreational use commitment exists.

B. Additional Justification
The following discussion shall, in the opinion of the County, show substantial evidence of recreation commitment for the Fisk property.

C. Location
The Fisk property is a 43.4 acre parcel on the west end of the Tollgate-Skyline Drive Area (Special Exceptions Area #6). Total area within the Skyline Drive Area is 176.8 acres. This special exception area is a developed/committed area totally surrounded by National Forest land (see Map 18-20 titled "Fisk Property").

D. Land Use
A recreation cabin is located on the Fisk property. The present overall use of the property has been, for at least the last 20 years, for recreational purposes.

E. Public Facilities and Services

The Fisk property has direct access from a paved Forest Service road as do most of the other approved developed/committed lands in the Skyline Drive Area. A spring provides domestic water as is common in this general area and in the Tollgate recreational area as a whole.

F. Resource Impracticalities and Incompatibilities

A more thorough discussion of the existing and potential incompatible land uses, and how their impacts upon this parcel irrevocably commit it to non-resource use, is needed to show the required substantial evidence.

Specifically, there are five (5) very small, individually-owned lots ranging in size from 1.1 to 4.3 acres in size immediately adjacent to the subject parcel. Three of these lots border on the north and contain three existing cabins. Bordering on the east are two very small lots (1.1 acres and two acres) which are vacant and have been previously approved as developed/committed land by LCDC as committed to non-resource use. There is also a two acre parcel, although it does not immediately border it.

Development history of this area, including the Fisk property, helps support the County's earlier conclusion of historic and established recreation use and commitment. All adjacent lots were created prior to the establishment of the statewide goals (1976) and prior to 1972, before planning and zoning records were kept in the county. The latest constructed cabin is located on the 33.5 acre parcel (Parcel C) to the east, which was built in 1981. The remaining cabins were all constructed prior to 1970. The Fisk parcel (43.4 acres) has also existed as recreational land for many years (prior to 1970) as has the existing recreational cabin on it. This is because it (Fisk property) is one of the numerous privately-owned properties within the Skyline Drive Area, totally surrounded by National Forest, where access and amenities have permitted private established recreational ownership and use without prohibitive development costs. Skyline Drive is also one of the few areas surrounded by National Forest Land in Umatilla County that provides a recreational oasis that helps meet a portion of the large regional recreation demand (see later section); and this situation has been the force behind the long-established recreation use here rather than resource uses. According to assessor's records, nearly all to the twenty-two (22) exception parcels, including the Fisk land, have been assessed for many years for recreational use, further supporting a continual recreation use in this area.

Adding to the existing recreational parcelization and uses already described is the potential additional recreational development on vacant pre-existing lots or on the remaining undeveloped parcels previously approved for an exception that are immediately adjacent to and thus directly impacting the Fisk property. Two additional recreational dwellings are possible on the l.l and 2 acre parcels to the east. Five other dwellings would be permitted on the 33.5 acre parcel. This is a total of seven possible additional recreational dwellings along with the existing six recreational cabins that border or will be adjacent to the Fisk property.

The significant incompatibilities existing and likely to be in the area truly preclude practical resource use of the Fisk property. With a potential of 13 recreational dwellings and 12 recreational parcels adjacent on two sides, the Fisk property adjacent to this number of recreational uses can and will

create numerous land use conflicts with typical forest and grazing management practices that might be attempted on the property.

Specific forest management impracticalities for the Fisk property and the Skyline Drive area in general are best documented by a Boise Cascade Timberlands Manager. From his perspective, the private lands along Skyline Road are committed to recreational use (personal communication with Robert Messinger, May 6, 1985). He bases this conclusion upon the following existing situations: Skyline Drive includes numerous partially developed recreational parcels adjacent to and intermixed with developed, small parcels with recreation cabins, homesite, etc., which create a very cumbersome forest management conflict situation. To intensively and practically manage these lands is nearly impossible and not very feasible because both short-term and even long-term management methods will create conflicts with existing and possible additional recreational development.

The forest manager cited visual and aesthetic problems of clear-cutting, burning and replanting, not being well received in an area of high recreational development like in this region. Actual timber management activities like cutting, skidding and long hauling are unacceptable near homesite like those adjacent to the Fisk parcel because of the noise, dust and road use problems normally associated with these management practices. Specifically, chain saw and heavy skidding equipment noise and traffic hazards from logging trucks would create so many conflicts that alternative forest management techniques would have to be employed. These alternatives are very expensive and are not really practical for small isolated tracts (like the Fisk parcel), especially when adjacent to developed recreational uses. The use of chemicals for insect and vegetation control and smoke associated with prescribed fire setting for site preparation for reforestation are several other timber management conflicts which the Boise Cascade forester foresees would occur on the Fisk property and on other private lands in the Skyline Drive area if managed for commercial timber harvesting. His conclusion of recreational commitment is well supported by these numerous timber resource impracticalities and helps provide substantial evidence that Goal 4 cannot be practically applied.

Livestock grazing on the Fisk property is also impractical because of the many interferences and incompatibility problems with the nearby recreation activities and the small size of the tract itself. Free-roaming livestock frequently cause property damage to fencing, yard and landscaping on adjacent existing recreational properties to the east and north if the subject parcel is intensively used or grazing purposes. To fence the land to contain livestock would not be practical at all, considering the large expense ($3,000 to $4,000 per mile according to livestock ranchers' estimates) when the experience has been that the large numbers of recreation users (especially hunters) recreating in the Tollgate-Skyline Drive area damage and cut such fences. Repairs would be constant and the repeated expense not cost effective. Also, if livestock were to be grazed on the Fisk property, fenced or unfenced, dogs that usually accompany recreationalists using adjacent lands would harass these animals, often killing them.

Another aspect supporting grazing impracticalities is the small size (43.4 acres) of the Fisk parcel. The number of livestock that this size of tract could sustain nowhere near approaches a commercial situation

even if grass forage were good. Much larger tracts are needed for summer pasturing purposes to make the long treks from winter lowland ranching operations worthwhile. There are no adjacent properties available to even permit land consolidation, for they are either Forest Service property or developed recreational tracts. This lack of consolidation opportunity greatly limits the possibility of the Fisk parcel of ever being used for grazing purposes.

General soils information available also supports resource impracticalities. Data from Soil Resource Inventory developed by the Umatilla National Forest personnel in 1978 shows the Fisk property to be mostly two soil units where timber management and grazing use are marginal (see Attachment #5 in Appendix for map and soil interpretation sheets). The term "marginal" was used by Ed Rother, Soils Technician of the Umatilla Forest Service, when interviewed by phone to interpret the Soil Unit Sheets (April 1985). Timber management limitations are the wet soils that create high potential for soil damage when harvesting and regeneration difficulties occur due to frost and dense ground cover problems. Limitations for domestic livestock use include brushy conditional, cool wet site, heavy snow and prolonged snow cover and possible pollution conditions because of the wet ground conditions on the subject property.

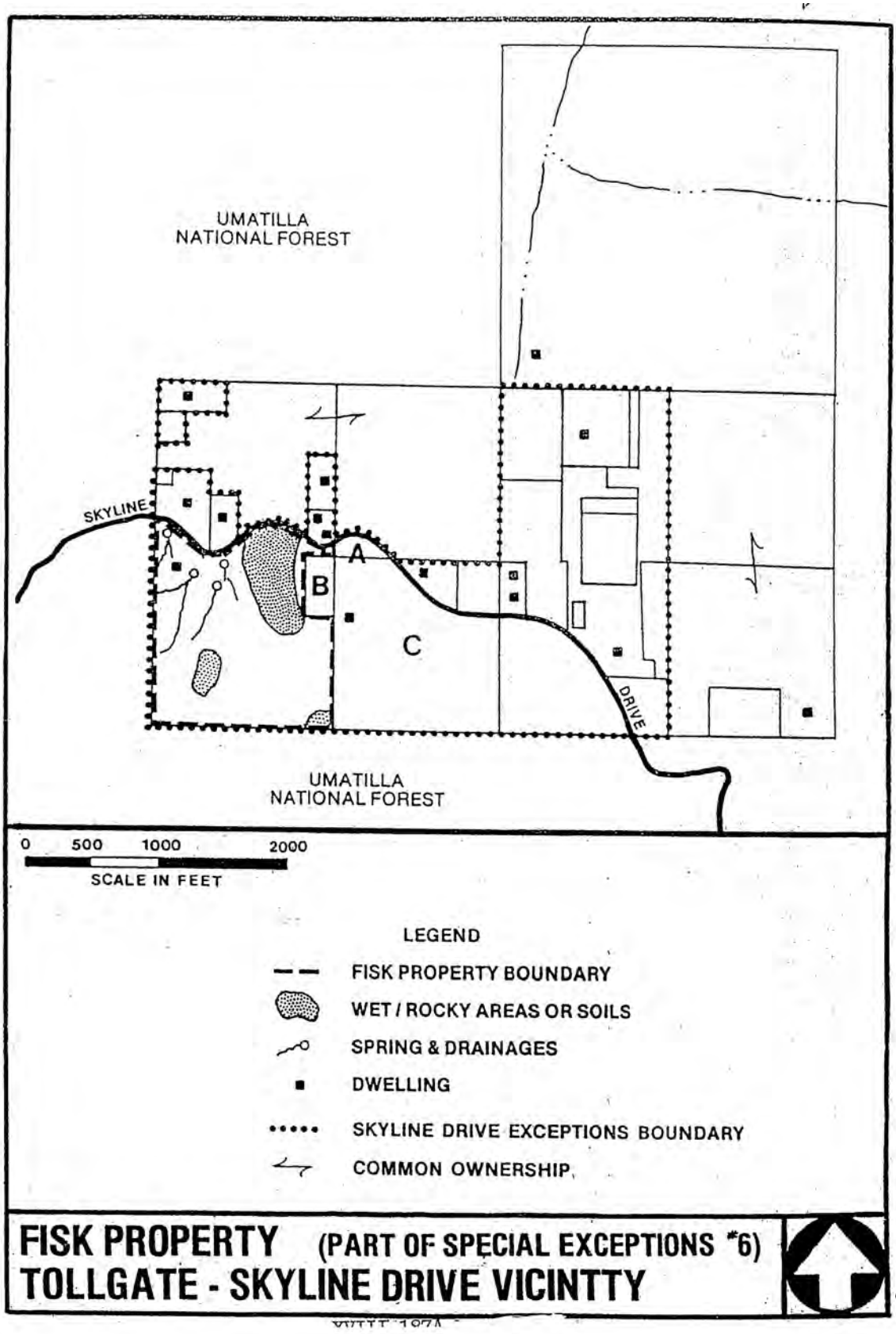
The last /impracticality aspect regarding the Fisk property involves the, non-applicability of other forest uses in Goal 4. The Fisk parcel and surrounding area does not have any major streams, lakes, etc. that support fish habitat or municipal/community water supplies that must be protected. Also, the general area, including this exception parcel, is not classified or needed as critical winter range for deer and elk (see Technical Report, page).

Most all of Umatilla County, especially the mountain areas, have excellent air quality, so preservation of this parcel or other lands in the vicinity need not be protected to maintain air quality as required under the Goal 4 statutes and administrative rules. Because of existing recreational development adjacent to the subject exceptions parcel, and the small area involved (43 acres) that abuts against the National Forest, which is mainly used and managed for recreational purposes, these factors negate the necessity to preserve it for open space or as a noise buffer or as a visual separator between conflicting land uses.

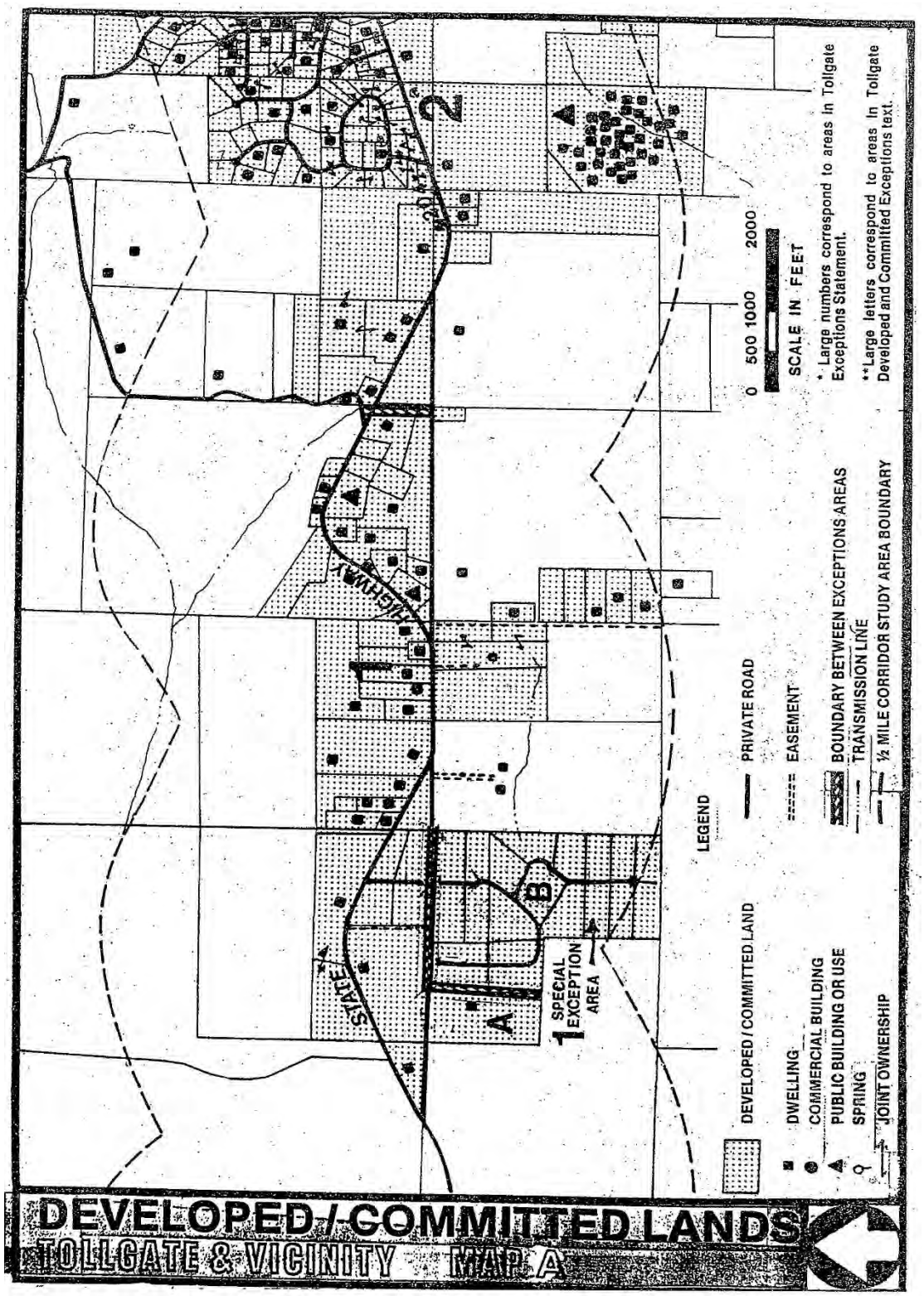
G. Parcelization/Development Potential and Compatibility

The prescribed zoning of the property and all exception properties in the Skyline area allows a five acre density and parcel size minimum requirement. The ultimate number of lots and recreational dwellings that the parcel would allow is limited to seven or eight. This is highly unlikely because the open meadow areas, springs and their drainage reduces the overall developable area. A more realistic number of cabins would be about four. This limited number would certainly have just as minimal an impact upon adjacent Forest Service property (bordering on two sides) than adjacent, similar-sized properties approved under the developed/committed "exception rule" which also borders this same public ownership. Compatibility is also assured because of the Forest Service's long-range plan that emphasizes the existing recreational uses over any resource activities in this are (See East Tollgate Exceptions Statement, on page 18-91 for more detailed discussion of regional recreation use and National Forest Service Plan Recreation

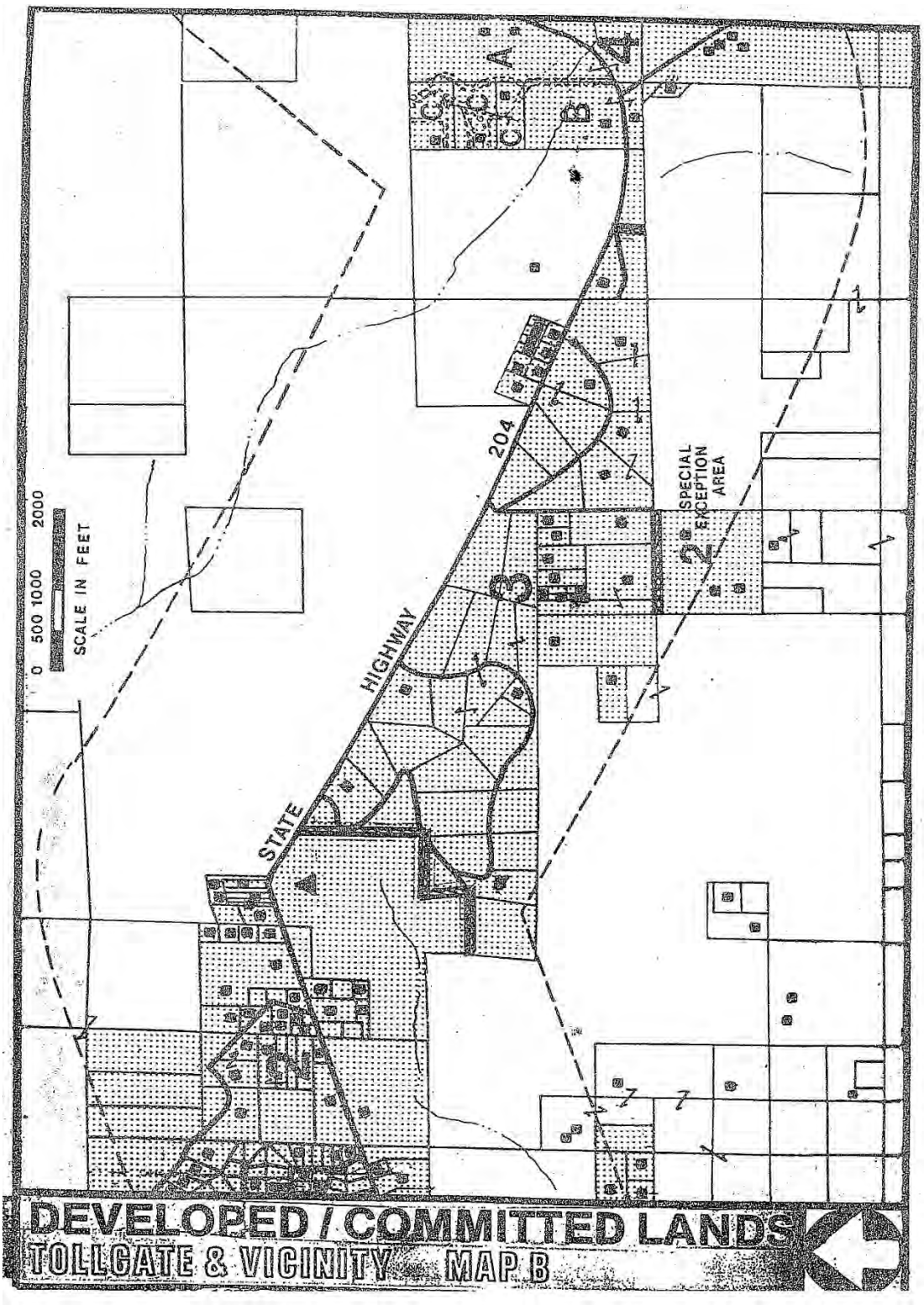
Policies). Setback regulations and fire prevention requirements in the Development Ordinance should assist, in assuring that potential impacts upon the adjacent Forest Service land will remain minimal.



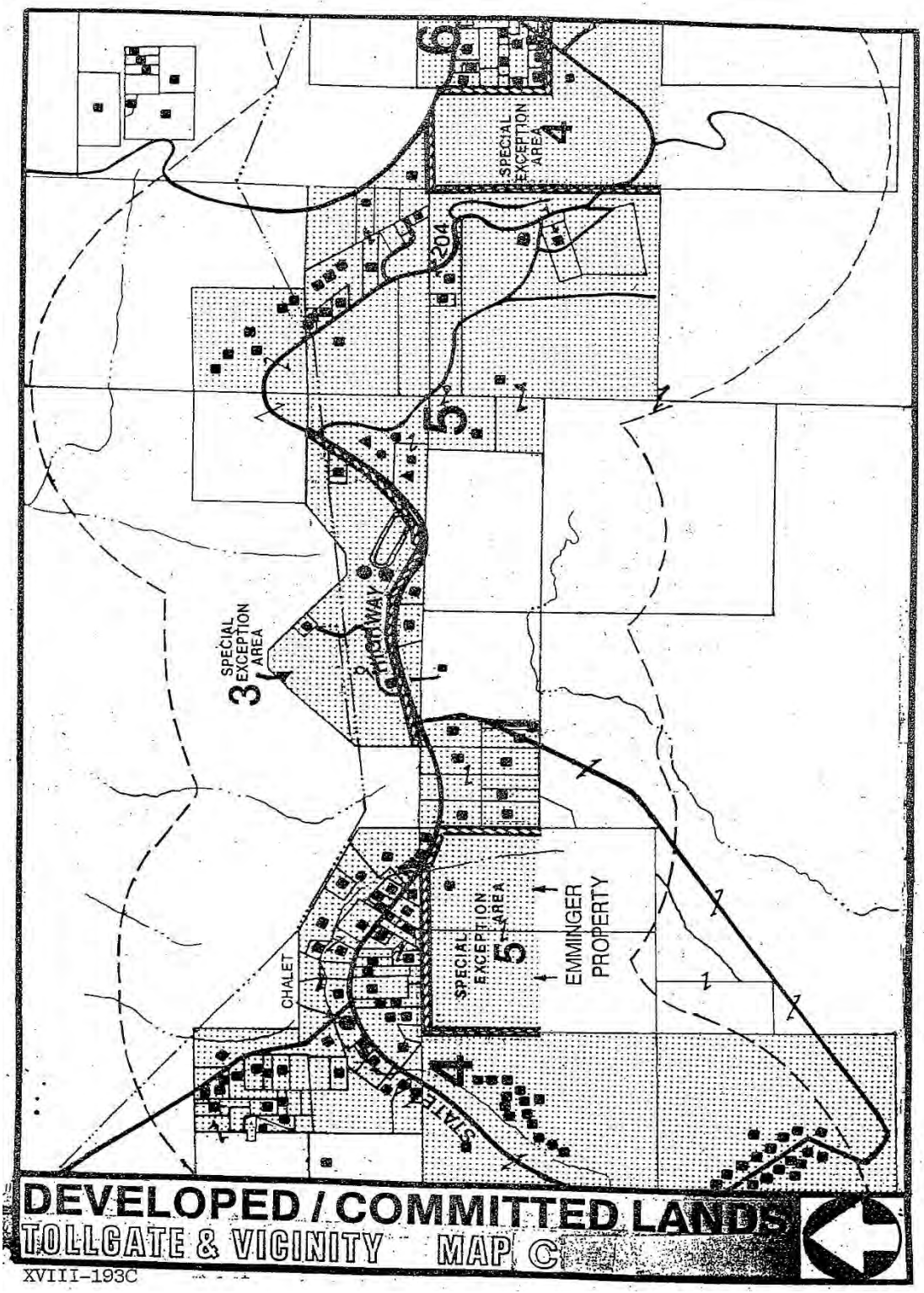
Map 18-20 – Fisk Property (Part of Special Exceptions #6) Tollgate – Skyline Drive Vicinity (XVIII-187A)



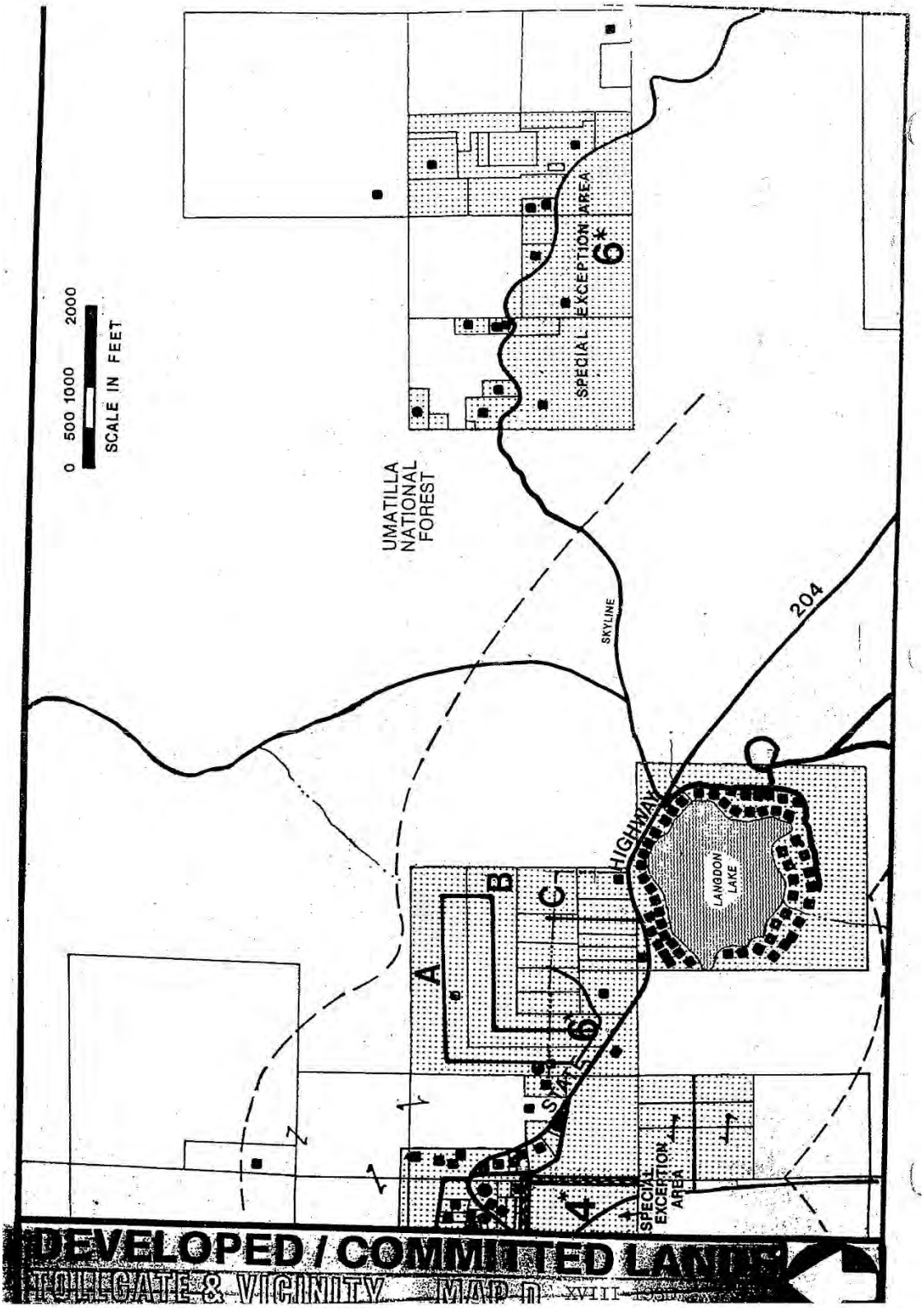
Map 18-21 – Developed/Committed Lands, Tollgate & Vicinity, Map A (XVIII-193A)



Map 18-22 – Developed/Committed Lands, Tollgate & Vicinity, Map B (XVIII-193B)



Map 18-23 – Developed/Committed Lands, Tollgate & Vicinity, Map C (XVIII-193C)



Map 18-24 – Developed/Committed Lands, Tollgate & Vicinity, Map D (XVIII-193D)

MEACHAM AREA EXCEPTIONS ANALYSIS

Meacham and the surrounding region contains significant mountain residential development and large areas zoned for this type of use. In 1972 close to 900 acres of R-4 Recreational Residential zoning (at a one acre lot size minimum) was assigned in this forested area of the county. Another 8500 acres in the Meacham area was zoned for forest use and recreational dwellings at five acre lot size minimums.

Like the Tollgate area, yet to a lesser degree, recreational use of the Blue Mountains started in the late 1800's and early 1900's. Proliferation of recreational houses and lots began in the 1950's to 1970's. Meacham is very near Pendleton and along 1-84. It is the "back yard" playground of this town and also to west county residents. There are nearly 175 parcels involved in the exceptions process which helps to show the popularity of the area.

Like the Tollgate corridor area, portions of this R-4 zoned acreage were and still are in resource uses and parcel sizes. Zoning assignment in 1972 then was partly based on requests and speculation and sometimes done so in the absence of land use planning (particularly resource protection) considerations. Numerous citizen and property owners' comments at several public meetings appeared to stress resource protection rather than mountain residential development which is quite the opposite of the original zoning plan. However, a few area residents expressed the opinion that additional mountain retreat structures should be permitted if development controls are imposed.

The above situations and comments add to the difficulty of identifying and assigning developed/committed non-resource parcels in the Meacham area. Where there was no definite citizen consensus of what and where mountain residential was or ought to be, the planning staff took a similar approach as the Tollgate Mountain Committee did to begin the tenuous task of non-resource identification.

Examining maps and existing land use information of the area, a discovery was made that several major utility corridors formed and could be used as a man-made barrier or containment boundary for existing as well as future mountain residential development. Analysis could begin in this the containment area, narrowing the region of examination and greatly speeding up the planning process. Also an initial look at ownerships and tax deferral status outside these utility corridors revealed that in a majority of instances properties were used and taxed for resource lands. Similar procedures and factors used to identify the previously discussed excepted non-resource areas in the county were followed to locate multiple use lands in the Meacham area.

Meacham area developed/committed lands are shown on Map 18-25 and total approximately 925 acres. Relevant facts and discussion leading to a multiple use classification for four sub-regions in the Meacham area follows.

Area: Meacham - Sub-area #1
(see Map 18-25)

Number of Parcels	19
Average Parcel Size	7.9 acres
Number of Parcels Occupied by Mountain Recreation Buildings	13
Largest Parcel	48 acres (See #2 below)
Smallest Parcel	1 acre
TOTAL ACRES	150.6 acres

Findings and Conclusions:

1. Large percentage of smaller, seasonal dwelling-occupied parcels in cohesive area meets developed/committed criteria.

2. A 48 acre parcel is included because it is partially developed as an overnight campground (Pond Loree) and is adjacent to other developed/committed lands. Also anticipated development impacts are considered minor because some of the area is undevelopable due to slope and unsuitable soils, and development regulations should be inclusive enough to protect adjacent resource land and development.

3. Public access road in good condition places area into a developed/committed category.

4. All parcels are taxed based upon recreational land values and zoned R-4 and F-5, recognizing existing development.

5. Subarea is not in critical elk or deer winter range according to Department of Fish and Wildlife maps.

Area: Meacham-Sub-area #2
(see Map 18-25)

Number of Parcels	75
Average Parcel Size	7 acres
Number of Parcels Occupied by Mountain Recreation Buildings	22
Largest Parcel	53 acres (See #8 and #9 below)
Smallest Parcel	25 acres
TOTAL ACRES	562.6 acres

Findings and Conclusions:

1. Considerable number of small recreational parcels initially classify subarea as developed/committed lands.

2. About 25% of parcels are occupied by recreational homes or seasonal structures, further indicating developed/committed status.

3. Not within critical elk or deer winter range, with possible additional development not impacting important wildlife habitat areas.

4. A 32-lot subdivision (Papoose Woodlands) is in subarea, taking advantage of good access, convenience to services and facilities in Meacham and Pendleton, and historic use of area for similar uses.

5. Old Highway 30 and State Frontage Roads (mostly paved) provide good access to subarea. Meacham fire department can better serve subarea due to good road network.

6. Large majority of parcels[1] zoning allows mountain residential and similar recreational uses at one and five acre densities since 1972.

7. All parcels are being assessed at higher land value rates based on recreational use and ownerships.

8. Largest parcel is mostly an open meadow area and zoned C-2 Tourist Commercial, 1972. No development has occurred in 10 years. Parcel has about 50% of its area identified as having seasonal wetness, a serious development limitation. However, because this parcel is surrounded by other committed lands, is in an area of minimum timber/grazing uses due to roads splitting land into narrow and unusable units, and still has a little over 50% of buildable land capabilities, it is included as a committed multiple use property.

9. Five lots in this area have the same ownership, and together total 12 0 acres. This situation would usually be considered a resource land unit; but their location adjacent to Meacham and other mountain residential development, and isolation between the freeway and old state highway, and non-deferral, non-resource tax and zoning lead to their inclusion as committed multiple use properties.

Area: Meacham-Sub-area #3
(see Map 18-25)

Number of Parcels	150 platted lots; 52 tax lots
Average Parcel Size	.8 acre for platted lots; 2.3 acres for tax
Number of Parcels Occupied by Mountain Recreation Buildings	22 (See #2 below)
Largest Parcel	5.9 acres
Smallest Parcel	5,000 sq. ft. per platted lot
TOTAL ACRES	120 acres

Findings and Conclusions:

1. Subarea is platted, unincorporated town of Meacham, clearly meeting developed/committed non-resource lands criteria.

2. Three to four lots are occupied by commercial, public and semi-public uses whereas the remaining improvements are a mixture of seasonal recreational cabin and permanent dwellings.

3. Historic service center for area's grazing, timber and seasonal recreational uses.

4. Old highway serves as major access and community has their own fire department.

5. Zoned originally as Rural Center. All lots are on higher recreational land values for taxation.

Area: Meacham - Sub-area #4
(see Map 18-25)

Number of Parcels	6
Average Parcel Size	16.9 acres
Number of Parcels Occupied by Mountain Recreation Buildings	3
Largest Parcel	46 acres
Smallest Parcel	1 acre
TOTAL ACRES	128.8 acres (25 acres land area of Tax Lot 4100)

Findings and Conclusions:

1. Largest parcel is occupied by over 40 recreational dwellings, and structures on lots with long-term lease. Density equals development criteria for mountain residential.

2. Other adjacent committed parcels are below resource management sizes and under individual ownerships.

3. All parcels are now and have history of recreational tax assessments indicative of this type of use.

4. All but two lots were originally zoned in 1972 for recreational and seasonal dwelling use, further classifying subarea as developed/committed mountain residential lands.

5. Access is via Ross Road and a public use easement across nearby resource lands. Development policies and requirements will limit new development and thus minimize negative impacts and demands for improvements to existing road system.

6. Development controls mentioned in #5 above, and existing development on half of parcels at maximum capacity greatly limit new development potential.

7. Sub-area is outside of deer and elk critical winter range as identified by Department of Fish and Wildlife maps. Limited additional development will not impact fish or wildlife considered important to area and county residents.

CHANGES TO 1980 EXCEPTION PROPOSALS AND STRATEGIES

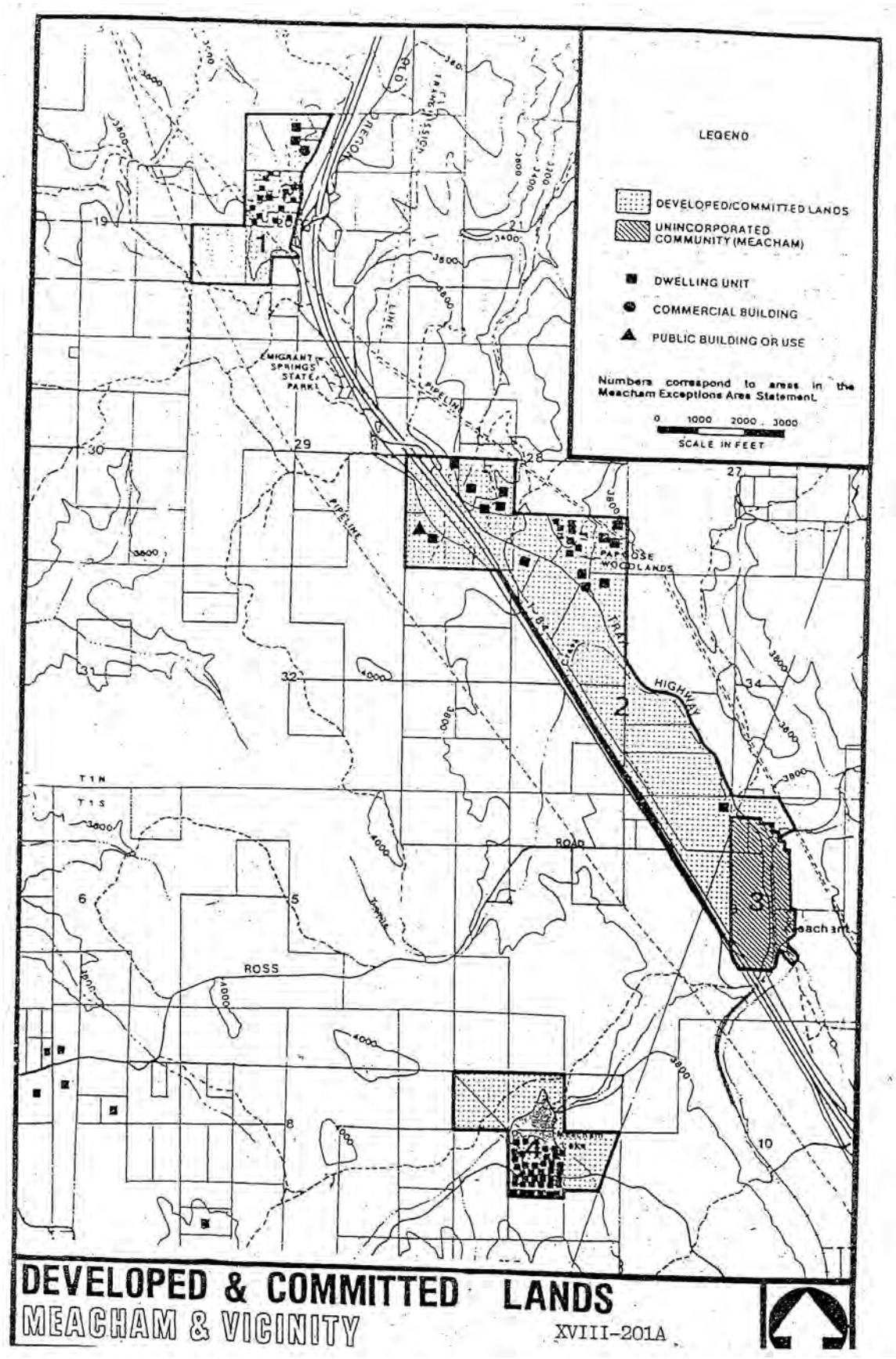
It must be noted at this point that in 1980 the planning staff proposed that initially identified developed/committed lands probably could not accommodate expected future demand, especially in <the Tollgate and Meacham areas. However, after listening to residents and property owners at public meetings in these two areas, a significant number expressed that this hypothesis was incorrect. They suggested that the staff review these 1980 proposals, especially the "needed" land areas.

Many residents and owners, especially those in the Meacham area, felt too much land was being included in view of limited available services, uncertainty of water supplies and numerous anticipated resource-wildlife conflicts. Responses in the Tollgate Committee questionnaire reflected similar concerns of area overdevelopment and its negative effects upon fragile and desired amenities as well as upon basic services likely necessitating expansions and corresponding greater costs to residential in the form of taxes, etc.

The above comments and concerns led the planning staff to reexamine the 1980 proposals. Additional information gathered at these meetings and re-examination resulted in more precise criteria to identify developed/committed mountain residential land explained earlier, and also the

elimination of nearly 3,000 acres of "needed" lands for which a full exception could not likely be justified nor locally supported.

The most recent multiple use area proposal is hopefully a compromise between, and a more reasonable land area than, the 1980 proposals. Questions and concerns regarding rural facilities, services, water, wildlife, and other land use concerns are addressed either by the reduction of land for this use or by proposed land use policies in the Plan Map Section pertaining to future development within multiple use areas. The county now feels that more than enough acreage is available in the committed land areas to provide for future vacation home opportunities, and in supplies sufficient to ensure reasonable land costs, while ensuring protection of the remaining 99% of the county resource land base.



Map 18-25 – Developed/Committed Lands, Meacham & Vicinity (XVIII-201A)

TOTAL AREA EXCEPTIONS AND CONCLUSIONS

The total area to be accepted from the State Forest and Agricultural Land Use Planning Goal for mountain residential use is 5,180 acres. These lands are those developed or committed to mountain vacation home and related recreational uses. This amount of land represents only .2% of all rural lands in the county. Compared with other acknowledged plans like Deschutes County, whose land area nearly equals Umatilla County and whose exceptions acreage is many times larger, this amount of land is minuscule.

Umatilla County is not proposing large new areas for mountain vacation development. In fact, many thousands of vacant and partially developed rural mountain lands now zoned for vacation home development that did not meet the developed/committed lands criteria have been placed into resource zones. As a result, non-resource uses will now be more effectively controlled over a wider area.

Again, the primary objective of the county is to acknowledge existing mountain residential development and attempt to efficiently and equitably plan for these committed lands. Only those areas with significant amounts of mountain residential development have been identified for similar uses in the future.

Found below are policies and programs to fit the particular needs of multiple-use lands. Some differences in programs and policies are largely the result of several citizen committee and public meeting comments and suggestions gathered from the different vacation home areas in the county. Dealt with first are land use policies applicable to all multiple use designated lands. Second, policies particularly drafted for a specific multiple-use area are then discussed and listed.

MULTIPLE USE PLAN MAP SECTION

The primary purpose of this section is to guide growth and development in the mountain multiple use areas of Umatilla County. This chapter is meant to bring together the various issues which deal with mountain residential and other recreational use development and measures to protect adjacent resource lands.

It is very evident from the Exception Statement that Umatilla County has had significant mountain residential development in the past. Current state planning laws and land use goals largely discourage non-resource development and greatly favor resource protection. However, the above existing non-resource development is a reality. It is a long-established and recognized lifestyle, in Umatilla County.

The County recognizes that some trade-offs would be likely due to the inevitable resource vs. non-resource recreational state goal interpretation conflicts. The county's effort, as is mentioned throughout the Comprehensive Plan, has been aimed at recognizing existing areas of mountain residential development and those lands committed to this use. This would mean reclassification of thousands of acres back into resource use from the original 1972 Comprehensive Plan. General planning goals have been established to guide and control the location and design of recognized non-resource activities, to minimize their impacts upon adjacent resource activities and to minimize costs to the public for demanded facilities and services. Numerous goals and policies are found throughout the plan which reflects the County's commitment to protect adjacent resource lands.

Interestingly and fortunately, many vacation home property owners in most all established mountain residential areas have expressed the above same concerns and goals. Many have stated that higher levels of development in their locales without some controls would likely be incompatible with the existing rural nature of the area. A good many agree that there is a need for limited and controlled growth, but that the rural character of their area must be maintained.

To guide multiple use development into appropriate patterns and locations, the following goals have been prepared.

GOALS

1. To guide the location and design of further multiple use development (mountain residential and related recreational use) in a manner so as to minimize the public costs of facilities and services, to avoid unnecessary expansion of these areas, and to preserve and enhance the safety and viability of developed multiple use areas.

2. To recognize existing uses in multiple use areas as benefiting the physical and mental well-being of county citizens by providing near year-round recreational opportunities as well as places for solitude.

3. To preserve and enhance the rural character, scenic values and natural resources within existing seasonal home and recreational area.

During the development of this part of the plan, many land use issues were raised by a variety of interested persons. Policies needed to accomplish the identified goals and land use issues were largely developed

by several citizens' committees and from citizen/property owner comments at public meetings and hearings. It was obvious that some additional policies would be needed to pull the various resources, environmental and public facilities concern together and to fill in some gaps so that a more complete plan was possible.

Because there were so many land use issues and comments, a different format will be used. Instead of the paragraph format used in the resource chapters (Agriculture and Mountain/Highlands), a number, outline system should be better aid the user of this document to more easily locate land use policies and programs relating to Multiple Use areas.

MULTIPLE USE PLAN POLICIES

A. General Review Policies

State resource planning goals purpose is to preserve and protect resource lands up to the latest possible moment of conversion. Since some parcels within multiple use areas are still used for resource uses, and lands surrounding multiple use areas are being preserved for resource uses, and that some owners/citizens in multiple use areas wish, for the present time, to continue incidental resource operations, several general review policies have been adopted to protect these lands and adjacent resource lands from premature conversion. (See Policies 1,2,3, and 4).

Policy 1- Future multiple use development will be reviewed to ensure compatibility with existing similar uses and with adjacent resource lands.

Policy 2- New major development (those involving four or more lots for vacation home structures or related uses) that creates significant impacts upon existing facilities, services or requiring additions to or new facilities or services shall be carefully examined. Examination shall include land use compatibility questions, and issues regarding adequate services are provided and are readily available.

Policy 3- To assure effective use of multiple use areas in the most efficient manner, proposed developments converting multiple use areas from lesser densities to higher densities will be reviewed for public need before any approval consideration. As a guideline for review, if a study of existing lots within the multiple use sub-area indicates approximately 50% or more of the lots have not had structures constructed thereon, then the developer/owner shall submit adequate testimony justifying additional lots in that sub-area. Other considerations such as resource-open space values, fish and wildlife habitat mitigation, and compatible design proposals protecting natural resources will be analyzed.

Policy 4 - To help restrict non-resource partitions and uses outside designated multiple use areas, minimum parcel sizes shall be 160 acres.

B. Development Strategies Policies

Citizen suggestions greatly varied regarding an appropriate multiple use density or densities. Most favored was a five acre minimum lot size, although it appeared that some one acre and 10 acre minimum lot sizes were acceptable in certain areas (see policy 5).

The concept of clustering development was discussed and found to be advantageous for preserving scenic amenities, good timberland, fish and wildlife habitat, and providing significant savings to the developer through reduced length of roads, utilities and correspondingly lower construction costs. Cluster developments were also largely supported by local area multiple use land owners and in several instances recommended to be a required form of development. (See Policies 6, 7, 8)

Looking at overall county density strategies in both rural residential and multiple use areas, ten acres is a size appropriate to permit clustering of development. However, there are some opportunities on smaller sized parcels in those multiple use areas where a one acre density zone has been applied and where cluster developments will most likely occur. (See Policies 8, 9).

Policy 5- To accommodate citizen desires and to help assure availability of vacation home property to almost all income groups, several multiple use zones and density

requirements have been created. (See Area Plan Section for specific zone and density assignments)

Policy 6- To take advantage of the distinctive features of cluster development, the county shall require clustering of development on land 50 acres and larger and strongly encourage this form of development on land between 5 and 49 acres in size.

Policy 7- In designated multiple use areas, the minimum land size where clustering will be permitted is five acres. Sizes for home sites in a cluster development shall be about 1/2 to one acre per site.

Policy 8- The overall density of a-cluster development in a multiple use area shall be the same as the prescribed zoning classification of the property. As an incentive to cluster, an additional 20% increase of the dwellings allowed by the zoning density will be given (i.e. for every 25 acres of land in a five acre zone, one additional dwelling would be permitted). Cluster developments shall be processed and reviewed according to procedures in the County Development Ordinance and must meet all applicable criteria contained therein.

Policy 9- Clustering will not be required in the following circumstances:

1. On a vacant parcel over 50 acres or on adjacent vacant parcels under the same ownership comprising 50 acres or on adjacent vacant parcels under the same ownership comprising 50 acres or more if only one dwelling is proposed.

2. When it becomes necessary to partition a single lot out of a 50 acre or larger lot for reasons including, but not limited to, financing a house on the property, other mortgage security, gifting or heiring.

C. Recreation and Recreational Commercial Development

Destination resorts were found to be important uses that help the local economy. Support for re-opening and expanding the Hidaway and Lehman Hot Springs was indicative of permitting additional resorts if appropriately located. (See Policy 10)

The only multiple use area not supportive of destination resorts was Tollgate, where such uses were viewed was creating unacceptable trespass problems. (See Policy 10)

Commercial uses orientated to recreational activities like restaurants, gas stations and grocery stores were viewed by most as not needed at present. However, it was recognized that changes in circumstances may necessitate the need for these important uses. (See Policy 11)

Institutional uses such as churches, church camps, scouting camps, etc., exist in mountain residential areas and were generally supported as a compatible use. Most felt that new proposals or significant expansion of existing facilities should be reviewed to assess potential impacts upon adjacent land uses. (See Policy 12)

Picnic, day use, overnight camping and recreational vehicle parking facilities were determined to be both a public and private responsibility. Private ventures were considered commercial in nature, and appropriate siting locations, basic facilities and careful evaluation and review were supported by citizens and area property owners. (See Policy 13)

Policy 10- Destination resorts shall be permitted as a conditional use in all multiple

use areas but only under certain conditions. Conditions allowing this use may include but not be limited to:

(a) Compatibility of the site with adjacent land uses;

(b) Near existing transportation and utility facilities;

(c) Consistent with the area's rural character; and

(d) Unlikely to create undue public service burdens.

Policy 11- Commercial recreational uses shall be expansions of existing commercial development and only allowed under special conditions or requirements as outlined in the Development Ordinance or the Comprehensive Plan.

Policy 12- Church camps, retreats and similar institutional uses and their normally required facilities (kitchen halls, recreational building, parking lots, sleeping facilities, etc.) shall be evaluated based upon the proposal. Conditional use procedures and standards in the Development Ordinance shall apply to insure compatibility with adjacent land use activities.

Policy 13- Picnic areas, overnight recreational vehicle parking (travel trailer parks and other day use facilities) shall be allowed as conditional uses in plan designated multiple use areas. Site location requirements vary slightly by area (see Tollgate Multiple Use Area Plan, for example) but all proposed uses shall be required to have an adequate water supply system and waste water system complying with appropriate Oregon or federal law. Provisions maintaining the natural character of the area and designs compatible with adjacent land uses shall be required. Other standards and requirements in the Development Ordinance may also apply.

D. Public Facilities and Services

1. Roads

Good access to and within multiple use areas was an important issue with area landowners and residents. (See Policy 14)

Cost of improving roads to handle increased traffic generated from new development was also a major concern of local owners and the county, where incomes and public funds are limited. (See Policies 15, 16)

Major developments (e.g. subdivision, large cluster development of four or more lots) were seen to place large increases of traffic on public roads over a short period of time and would likely necessitate immediate improvements and heavy financial burdens upon the public to subsidize these developments. (See Policy 15)

Many felt that the developer in these cases should either provide private road systems at his/her own cost to remove the burden of maintenance from the county or public; or improve interior and access roads to the development to a standard that will assure roads in the area can accommodate the expected traffic. (See Policy 16)

There was some concern about traffic safety and the amount of roads needed to serve developments and scenic quality issues along major road access corridors. (See Policy 17)

Policy 14- To assure efficiency in road improvements, the county will adopt in the Development Ordinance road improvement standards based on the Public Works Director's recommendations for

development in multiple use areas.

Policy 15- Developers and property owners proposing new subdivisions or other developments generating significant amounts of traffic shall be encouraged, whenever practical, to provide their own private road systems. These systems shall be improved to a standard that will handle expected traffic demands as determined by the Public Works Director and be maintained through mechanisms outline in the Development Ordinance.

Policy 16- Major developments described above not located on roads constructed to minimum county standards shall be discouraged. However, if developers agree to make necessary improvements to handle the expected traffic as determined by the Public Works Director, such development may be permitted, provided other applicable standards and approval in the Development Ordinance are compiled with.

Policy 17- Access control shall be emphasized to minimize negative effects and traffic hazards generated by new development. Common or limited access and other strategies outlined in the Oregon Department of Transportation Access Control Guidebook shall be used whenever feasible. (See area plans for specifics on scenic quality policies along roads.)

2. Water-Waste Disposal

Concerns about the availability of domestic water supplies and its quality protection in regards to future development was often brought up at public meetings. This concern was especially evident regarding major new and/or long range, area-wide development. (See Policy 18)

Reductions in existing mountain residential areas and lower density requirements allocated for new multiple use areas will help lessen the overall burden upon water supplies, but not totally address immediate concerns. (See Policy 19)

Policy 18- The County will rely upon pertinent state statutes and administrative rules administered by the Department of Environmental Quality and the County Health Department for domestic water and waste disposal regulations as the means to provide and protect the quality of this important resource.

Policy 19- Major development (usually more than four lots) requiring large amounts of domestic water and/or discharging sewage in quantities greater than state or local agencies regulate, shall meet any applicable federal laws or acts.

3. Other Public Services-Facilities

Rural services such as sheriff's patrol and school busing were said to be adequate and only a slight problem in a few of the multiple use areas. (See Policy 20)

As with roads, there was a certain amount of concern about the impacts of major development upon limited funded rural services. (See Policy 21)

Policy 20- The County shall continue to try to provide minimum services based upon budget availabilities and not in excess so as to encourage large scale and additional development or stimulate permanent residential use in multiple use areas.

Policy 21- Future development shall depend on close proximity and availability to existing services and facilities. Major developments shall be required to provide services and facilities beyond those that county facilities and services are capable of. (See also area plans for additional facilities

and services policies)

E. Fire Protection

In most multiple use areas, there are no agencies responsible for fire protection on private property. (See Policy 22)

In several multiple use areas, many property owners were becoming increasingly concerned about lack of proper fire controls and practices. This concern was especially true of subdivisions and larger developments where either minimal fire-fighting equipment was barely adequate to serve limited areas or no equipment was available at all. (See Policies 23, 24)

Numerous citizens' comments pointed to proper land use planning and subdivision control as important ways to deal with fire protection and prevention, rather than voluntary or covenant practices not always initiated or enforced. (See Policies 23, 24)

Policy 22- Minimum fire protection measures outlined in the Development Ordinance shall be required of new homeowners when siting permanently fixed structures.

Policy 23- Proposed subdivisions, cluster developments and other large developments shall provide equipment and other facilities deemed appropriate by the county to control fire outbreaks and provide adequate fire protection. These fire prevention practices are listed in the County Development Ordinance.

Policy 24- All new subdivisions, cluster developments and other major developments shall provide at least two different ingress, egress routes for fire emergency equipment entrance and resident evacuation access purposes. Limited variation of this requirement is outlined in the Development Ordinance and must be approved by the County.

F. Forest Management

Citizens/landowners expressed favor of and the practicality for forest management in designated multiple use areas. (See Policies 25, 26)

Clear cutting, a forest management practice permitted by the Oregon Forest Practices Act, was not popular with the residents and owners in multiple use areas because it detracted from scenic values desired for seasonal home and recreational activities. Differed and varied types of forest management practices were discussed as alternatives to undesirable practices, and some people felt that specific management types should be required in certain areas. (See Policy 27)

The County sees that certain forms of forest management besides the standard practices of today can be beneficial in or near multiple use areas in the form of adding to the overall timber supplies, providing modest revenues, preserving the forest appearance, and maintaining healthy stands of trees. Unfortunately, the county does not have the expertise nor money to enforce or oversee any forest management programs. (See Policy 27)

Policy 25- The County will allow forest management in all multiple use zones as an outright use.

Policy 26- Most management programs in areas designated multiple use shall comply with the Oregon Forest Practices Act.

Policy 27- Alternative forest management practices that utilize more intensive management and selective harvesting methods (e.g. uneven age timber

management) shall be strongly encouraged in locales where tree species permit suitable use of these systems.

Larger parcels in multiple use areas whose owners wish to incorporate a forest management plan with a subdivision of other major multiple development will be particularly encouraged to do so. Where findings and testimony indicate a particular form of timber management would improve these larger developments and protect adjacent areas, the county may require such a program as a condition of approving the development plan.

G. Big Game. Wildlife. Fish Concerns
Although most multiple use areas are not located along vital fishery streams nor within critical big game winter range, significant numbers of comments from citizens and landowners expressed an interest in protecting their habitat and movement. (See Policy 28, 29)

Policy 28- Where appropriate and practical, the county will establish big game migration corridors and require enforceable yet reasonable development restrictions within these areas.

Policy 29- Because of their limited nature, if additional big game migration corridors are identified, the county shall consider adopting additional big game corridor protective land use policies and regulations upon findings that these routes are vital to the safe movement of the animals.

Policy 30- To protect fishery habitat, all proposed buildings or structures proposed in multiple use areas shall be set back 100 feet from the mean high water mark of perennial or intermittent streams, rivers, lakes, or ponds. Any proposed major development shall not disturb stream bank habitat unless approved by the State Fish and Wildlife Department for improvement or maintenance reasons.

Additional policies regarding fish and wildlife are found in the Open Space resource chapter and in the multiple use area plans following this section.

H. Gravel Mining. Extraction
Many recognized the importance and need for gravel and aggregate to make the needed improvements to the area roads or for building construction, etc. They also agreed that locally extracted materials were much lower in cost than those sources obtained further away. (See Policies 30, 31)

Multiple use area residents/owners expressed more concern about new gravel operations, especially where blasting; crushing and hauling often create excessive noise and dust, than those small, existing operations used by property owners for non-commercial purposes. (See Policy 33)

Policy 31- The County will permit gravel and aggregate extraction in and adjacent to multiple use designated lands and will carefully review each proposal to help assure compatibility with adjacent recreational uses and activities existing in multiple use areas.

Policy 32- Smaller aggregate projects (less than 500 cubic feet or less than one acre) which may involve reopening of an existing pit or reopening up a new source shall obtain necessary county and state permits. This policy is largely intended for operations using pit-run rock or minimum processing methods and in which the material is mainly used for non-commercial purposes.

Policy 33- Larger aggregate and gravel

operations (more than 500 cubic feet or more than one acre) shall be required to obtain a conditional use permit and follow procedures and requirements listed in the Development Ordinance. In addition, all other required county and state permits shall be secured prior to beginning the operation. This policy shall apply to new source sites and to reopening of existing sites. Requirements proposed are intended to allow these important activities along with necessary and desired protection of area residential and other adjacent resource uses.

H. Historic, Scenic. Natural Area
There was definite interest in trying to preserve and protect numerous historic structures, monuments, etc., not only occurring in the multiple use areas by also in adjacent forest grazing resource areas. (See Policy 34)

Although not discussed in some multiple use designated areas, a desire to protect scenic views, vegetation and vistas especially along major travel routes was mentioned. (See Policy 34)

Several different strategies were offered by citizen groups to encourage and regulate the protection and preservation of historic, cultural and scenic resources. (See Policy 35)

Policy 34- It shall be a policy of the county to thoroughly review development as it may affect historical and scenic values and resources.

Policy 35- The county will adopt regulations and provide encouragements that are reasonable and enforceable to protect historic, cultural and scenic resources. (See Open Space, Historic, Resources chapter and the various plans for Multiple Use Area plans for additional or specific policies pertaining to historical and scenic sites and structures.)

J. Citizen Involvement and Plan Review
Multiple use area residents and property owners often did not agree about various land use issues. However, it was nearly unanimous that they were probably the most knowledgeable and effective land use managers for their respective area. (See Policy 36)

Several citizen planning committee teams expressed similar views about the advantage and necessity of citizen involvement in future updates or revisions to the plan (See Policies 36, 37)

Policy 36- The County is appreciative of the interest, efforts and suggestions of all citizens, residents and property owners who either attended public meetings or served on committees involved in forming plan policies for multiple use areas. In response to and in recognition of their value, special citizen involvement committees for the various multiple use areas in the county shall be formed to assist in periodic updates and/or major change proposals to the plan.

Policy 37- Appointment and organization of these citizen involvement committees shall be done according to policies found in the Citizen Involvement Chapter V.

K. Nuisances
Some conflicts were said to exist with other forms of recreation and resource activities, and these mostly centered around off-road vehicle use, trespass and associated property damage, and dog control problems. How to effectively deal with these nuisance problems was admittedly difficult. The county is sensitive to these issues but has limited finances and personnel to adequately correct these kinds of problems (See Policy

38).

Policy 38- As a commitment to initiate solutions and counter existing nuisance problems, the county will work with private property owners, local off-road vehicle organizations, etc., and shall look into cooperative programs that works towards accomplishing this policy.

L. Natural and Other Hazards
Based upon the best information available, there are only a few areas of known natural hazards in multiple use designated areas. These are usually in the form of steep slopes, minor flooding, high water table areas, shallow soils or soils not easily supporting building foundations. Natural and man-made fires also pose a threat or hazard to multiple use areas and adjacent resource activities. (See Policies 39, 40, 41)

Policy 39- Where practical and appropriate, areas of steep slopes and suspect soils have been placed into a resource land category.

Policy 40- Where natural hazards may exist, provisions shall be made in the County Development Ordinance to assure proposed development will receive a review of potential natural hazards (steep slopes, flooding—either runoff or stream, suspect soils, etc.) and that sufficient authority, statutes and regulations exist to modify or deny applications where such hazards exist.

Policy 41- The County has authored and will make available a checklist of important land use considerations for landowners contemplating development in timbered areas. Incorporated in this checklist are natural hazard mitigation considerations. All applicants applying for a development permit are encouraged to use ideas in the checklist.

M. Building or Development Setbacks
Besides the usual need for privacy which normal setback regulations provide, in special circumstances adjustments to setback regulations were found to be desired as a means of easing land use compatibility problems. (See Policy 42)

Even some of the more intensive recreational uses (e.g. resorts, lodges, etc.) were cited by area residents as needing special setback regulations, (See Policy 42)

Policy 42- As a review requirement, conditional uses allowed in multiple use zones shall consider setback distances deemed appropriate by the county to assure harmony with adjacent property owners.

N. Existing Tourist Commercial and Rural Center Zoning
Four small parcels of tourist commercial zoning and one small parcel of rural center zoning are found in several of the multiple use areas. Only two existing parcels have commercial uses. All were zoned in these classifications in 1972. Current state land use planning goals and suggestions by citizens indicate that keeping tourist commercial and rural center zoning on these parcels would not be appropriate. (See Policy 43)

Policy 43- The county will rezone these tourist commercial and rural center zoned parcels into appropriate multiple use zones. Multiple use zones permit tourist commercial uses as a conditional use with review procedures and standards. (See Recreational Commercial Policies within Multiple Use Area plans for more specific information regarding location and development standards that shall apply to recreational commercial uses.)

O. Other Specific Considerations - "Grandfather Lots"

As is always the case, when revising or adopting new land use policies and ordinances, unusually conditions and circumstances exist that new regulations do not apply to or impose extreme hardships upon property and property owners. At public meetings an often expressed concern was the development status of lots that are or would be smaller than adopted minimum sizes for multiple use development, commonly termed "grandfather" or pre-existing lots. (See Policy 44)

Besides development questions, other land use issues may exist where special considerations need to be made when administering land use policies. (See Policy 45)

Policy 44- Parcels legally existing at the time of this plan's adoption that are located within multiple use designated areas shall continue to function as legal lots for multiple use area uses, provided minimum standards are met as outlined in the Development Ordinance.

Policy 45- Pre-existing status shall be granted to subdivisions and partitions with at least preliminary county approval and buildings with at least an issued zoning permit, at the time of the plan adoption by the Board of County Commissioners.

SPECIFIC AREA MULTIPLE USE PLAN POLICIES

The following discussion outlines in more detail the various land use issues and policies formulated to meet specific area needs and to comply with the intent of the state land use planning goals. The policies listed below are to be implemented in addition to general policies previously listed. For mapped locations of zoned and development strategies, please refer to the developed/committed land maps in the Exceptions Section. Meacham and Tollgate multiple use areas have separate maps which are located within their respective sections.

Battle Mountain

Predominant land uses in the area are mixed open-timbered grazing uses along with scattered vacation homes and other public recreational uses (e.g. Battle Mountain State Park). Agreement exists to maintain a rural atmosphere here to enjoy the natural environs.

The area designated as multiple use is somewhat smaller than recommended by the South County Committee. Mountain residential is confined more to an area between the state and highway and main access road so these uses will not intrude into adjacent resource lands.

One land use issue of particular concern in this area was the need to move and expand the existing Battle Mountain Cafe and related recreational commercial facilities to improve service to recreation users.

Policy 46- A multiple use designation shall apply to developed and committed land in the Battle Mountain area.

Policy 47- The forest residential zone with a five acre minimum lot size shall be placed upon future development.

Lehman Hot Springs

The Lehman Hot Springs property is very similar in nature to the Hidaway Hot Springs multiple use area. Recreational use in the form of hot springs bathing and overnight camping has occurred here since the 1860's, only to a greater degree mostly due to its closeness to Highway 244, and better utility and access facilities.

County and local residents feel that Lehman provides important recreational activities for area residences in a unique setting. Public facilities and services are more than adequate to provide quality resort and recreational home uses. Public testimony also shows a definite commitment of recreational use on this property and a desire to carefully plan the remaining portions for similar recreational uses.

Policy 52- Recognize existing recreational development and committed area with placement on the plan map as multiple use.

Policy 53- Zoning and density shall be consistent with the area and most all multiple use areas in the county. Therefore, the five acre minimum forest residential zone shall apply to this multiple use area.

Policy 54- To assure compatible and orderly development within the property and with adjacent lands, clustering policies and standards shall be required.

Policy 55- The county shall review the Lehman Hot Springs multiple use area at scheduled comprehensive plan updates to determine development progress and possible inclusion of additional multiple use lands, according to applicable review

policies.

Poverty Flats

Very few comments were received regarding the Poverty Flats area. Little additional development opportunities exist at the present zoning density. Permitting a more dense development pattern could, however, negatively change the rural character of the area.

Policy 56- Designate Poverty Flats on the Comprehensive Plan Map as Multiple Use.

Policy 57- Assign the Poverty Flats area at a five acre minimum lot size as presently administered.

Policy 58- A forest residential zoning classification will be placed upon this area, which permits compatible uses upon the few remaining vacation tracts.

Umatilla River - Bingham Springs

The Umatilla River-Bingham Springs area is actually two separate units. Bingham Springs is an old platted cabin development with very small lots. One mile downstream from Bingham Springs is the Umatilla River multiple use area. Both areas are rather confined and restricted by topography and other natural features. Public or property owner comments and suggestions about these two areas were minimal at public meetings or in committee reports.

Policy 59- The Comprehensive Plan Map shall have a multiple use designation for both the Bingham Springs and Umatilla River areas.

Policy 60- Bingham Springs shall retain the existing one acre density to permit a few additional cabins within the platted area and on several of the acreage lots that border the platted area.

Policy 61- The mountain residential zone shall be assigned to parcels in the Bingham Springs multiple use area.

Policy 62- The Umatilla River area shall be zoned forest residential at a five acre minimum lot size. This density will permit additional vacation home development at similar lot sizes which have occurred in the past ten years under one acre density regulations.

Policy 63- General multiple use policies especially pertaining to fishery stream protection and access control are to apply in these two multiple use areas.

Upper South Fork Of Walla Walla River

The major use in this area is second home recreational use. Land use issues and problems appear to be minimal due to lack of public comment. Additional parcels available for vacation homes are few, which probably accounts for the absence of owner/public concern.

Policy 64- Recognize existing development by designating area on plan map as multiple use.

Policy 65- Zoning and density in the area shall be consistent with existing patterns. The one acre minimum mountain residential zone shall be placed upon this multiple use area and will accomplish this policy.

Mill Creek

Several characteristics unique to this area have shaped and modified community needs, desire and land use policies. Its isolated and distant location has made it

difficult for the county to provide basic services. Also, there is a mixture of permanent and seasonal residents along with retirees and younger families requesting different demands and needs.

It has been documented at public meetings and several land use hearings on development proposals in the area that local residents feel such services as police, fire and road maintenance are inadequate. County budgets of late trend towards even less ability to continue basic services.

Problems with obtaining septic tank systems on the rather small subdivision and partitioned lots have been reported by the Department of Environmental Quality. The near year-round highwater table in combination with regulations pertaining to property distances from streams, wells and property lines either negate building a vacation home on many of the lots or make it extremely difficult and expensive to purchase and consolidate enough area to install an approved system. Flooding is also a danger and development problem along this steep creek canyon.

Preparation of a plan for this area has been somewhat difficult. Besides the service and facilities problems and development limitations just discussed, several large landowners wish to sell off level portions above the canyon bottom found along the canyon sides for recreational dwellings.

A citizen committee studied this area in great detail and recommended that a corridor of 1/4 mile on either side of the road be included for multiple use designation. After looking closely at the lay of the land, existing development patterns, and further discussion with the landowners, the county sought to include as much of the land as possible that met the developed and committed category for recreational uses, while setting density limits commensurate with available services, and meeting the requirements of the state land use planning goals.

Policy 66- Lands not included for or negatively impacted by multiple use and presently used for crops, grazing or areas used for soil and water stabilization, or for wildlife habitat, shall be protected by designating and zoning them for resource and limited recreational uses.

Policy 67- Designate parcels in this area as meeting developed/committed multiple use criteria and so designate it on the Comprehensive Plan Map.

Policy 68- In Mill Creek, a similar use zone to that which is presently enforced, termed forest residential, shall apply.

Policy 69- A zoning density consistent with the ability to provide limited public facilities will be established for the few parcels with potential division or partition capabilities. A five acre minimum lot size shall be placed on lots in these two areas to meet the intent of this policy and is a size adequate to meet most existing development requirements. In-filling of development that follows proper water quality and sanitation regulations on existing subdivision lots and small lot partitioning shall be encouraged.

Policy 70- The county will consider ways to try and improve roads and services in the area that would be consistent with the level of population to be served and the county's financial ability to provide these services.

Policy 71- Hazardous areas, such as the 100-year floodplain, shall continue to be protected from inappropriate development. Uses and structures shall comply with

floodplain development standards where floodplain information is available. The county may consider requesting floodplain studies on other portions of Mill Creek where flooding is suspected.

TOLLGATE MULTIPLE USE AREA

The Tollgate Mountain multiple use area is the most extensively developed and used recreational region in the county. Planning is complicated here due to the scattered, non-resource development patterns occurring within a resource area.

LCDC planning goals tend to favor resource protection at the expense of further non-resource development. Their policies then stipulate containment of non-resource uses. While these state policies are admirable planning objectives, they are not easily attainable in an area not only with scattered land uses but with a mixture of public, resource and private land ownerships and interests.

Residences of Tollgate are a mixture of about 1/3 permanent and 2/3 seasonal. Part of the permanent residents are probably resource use related. A good percentage of the seasonal residents are form outside the county and outside to the state. Resource ownerships include large timber industry lands to livestock rancher-owners property. Public ownerships include both state and federal agencies.

With this mixture of ownerships, plus adding the many recreationalists using the area for winter and summer activities, land use issues and needs often varied and in several cases, conflicted. It is well known in the county that a large acreage on Tollgate Mountain has been zoned for one acre vacation home lots since 1972. Many have bought or had their originally zoned parcel based upon the intention of later dividing and selling property for vacation home use. Tax rates have been based upon this scheme. What may not be common knowledge is that current planning laws and court decisions have greatly limited vacation home development despite the existing county plan and zoning. One can well imagine that finding a common ground between landowner plans and county ordinances and state regulations has not been easy.

The balancing of interest became very apparent when a plan proposal was presented to the public in 1980. The proposal generated many comments, both negative and positive. No consensus was reached other than more citizen input was necessary and that the proposal appeared not to address intricate land use issues occurring in the area. Reduction of area and density strategies for vacation home development was the most common issue raised with the proposal. It became quite obvious to most that some tradeoffs would have to be made in order to balance the many interest and issues involved and to comply with the state planning goals.

Further work on the 1980 proposals for the Tollgate area had to be delayed because of staff layoffs and smaller planning budgets. However, a volunteer planning group spearheaded by local area County Planning Commission members was formed. This group, known as the Tollgate Committee, initiated a property owner questionnaire and other in-depth research about subjects raised at previous public meetings and those comments received about the 1980 staff proposal.

The Tollgate Committee concluded that growth was to be expected, but many wanted the rural and scenic character of the area protected. To do this, reasonable land use controls along with tradeoffs in area, density, or both would have to be exercised in the area's future development. The scenario was based upon citizen comments that the continued high-density development (one acre zoning) could seriously hamper

the surrounding natural beauty.

The Tollgate Committee's report was a benefit to the county planning process because it not only gave new direction and outlined issues and important facts relating to Tollgate, but also contained individual citizen and property owner comments, which, as earlier mentioned, were not always in agreement. The value of the report is obvious, and consequently portions are used in the identification or exceptions statement and is in the forthcoming comments and policies.

The County has sought to include as much of the Tollgate Committee's and public and area property owners' suggestions and ideas as possible, while trying to meet the requirements of the state land use planning goals and choosing those issues and policies that are practical and financially enforceable.

The following findings are highlights of issues, recommendations and responses to them that are specific to Tollgate. These findings are listed by general subject. Policies designed to carry out these planning concerns are listed in the approximate same order following each subject. A. Development-Planning Strategies

A major issue was what areas should remain planned and zoned for vacation home development, and what patterns or densities would best serve property owner wishes and at the same time protect aesthetic values, wildlife habitat, scenic beauty, etc., desired by many. (See Policy 72)

Development at existing nodes only, clustering development, and one, five and ten acre minimum lot size regulations were all suggested. The most prevalent, yet not necessarily a consensus recommendation, was a five acre minimum lot size and containment of vacation home development of within about 1/2 mile on either side of Highway 204. (See Policy 72)

Of particular note was the recognized benefit of clustering development. The Tollgate Committee in fact recommended that clustering be nearly mandatory on parcels over 20 acres. (See Policy 72)

The County recognizes the many advantages of clustering and will in certain instances require clustering; however, clustering in other instances shall be greatly encouraged. (See Policy 72)

All of the above strategies were used in developing a compromise plan for Tollgate.

Policy 72- A variety of zones, densities and development strategies shall be applied within lands designated multiple use in the Tollgate area. The following policies shall apply:

(a) Most of the area shall be zoned forest residential (5 acre minimum lot size) as requested by many area landowners.

(b) In areas where existing densities exceed one seasonal dwelling per 5 acres, the mountain residential zone (one acre minimum lot size) shall apply.

(c) Within identified big game migration corridors, the 10 acre minimum lot size zone, called Multiple Use Forest, shall apply.

(d) Clustering development will be required on land 50 acres and over in all multiple use areas except within identified big game migration corridors. In instances of large development proposals, clustering

may be required if submitted development plans do not satisfy county policies of preserving the scenic beauty-natural resources. Clustering procedures and development requirements are found in the General Policies Section and more specifically outlined in the Development Ordinances.

B. General Planning Issues

Citizen involvement in formulating plans for Tollgate Mountain was of obvious importance from the numbers of citizens who attended meetings and hearings. The Tollgate Committee also recognized this and recommended some specific guidelines for future participation in the planning process. (See Policy 73)

Policies in the Citizen Involvement chapter reflect the county's awareness of the importance of citizen involvement in all areas of the county including multiple use areas. Several citizen involvement recommendations of the Tollgate Committee were used to formulate overall county citizen involvement policies. (See Policy 73)

Policy 73- A Tollgate Citizen Planning Committee shall be formed to assist the county in either assessing major plan revision proposals or scheduled updates to the Comprehensive Plan that pertain to the Tollgate multiple use area. This committee shall be appointed and organized according to required policies in the Citizen Involvement chapter.

C. Unique Facilities and Service Needs

Highway Access - Parking Difficulty with winter access (snowplowing) and inadequate off-highway parking facilities for recreationalists are problems unique to the Tollgate multiple use area. Specific policies addressing solutions to these problems have been suggested by area landowners, citizens and the Tollgate Committee. (See Policies 74, 76)

The County recognizes these two particular issues and needs exist, and agrees to adopt or slightly modify those Tollgate Committee suggest policies that can be practically enforced. (See Policies 74, 75, 76)

Policy 74- The county shall seek ways to help solve winter time off-highway parking problems. These facilities shall be encouraged to locate in areas where private property will be less impacted by activities, generated from such facilities. Location of these facilities may include private property; but emphasis shall be to use public land as much as possible, particularly federal Forest Service land east of Langdon Lake.

Policy 75- The County shall contact, coordinate and cooperate with other appropriate governmental, public and private groups to maximize resources to help locate, purchase and construct needed winter off-highway parking facilities.

Policy 76- Special building setback requirements for new construction along Highway 204 shall be established to prevent further obstacles to snow removal. Slightly different setback distances shall apply to new recreational commercial uses than those required for new vacation home and other allowed uses. (See Tollgate Committee Report for reasoning.) Setbacks for vacation homes and other permitted uses shall be subject to a 130 foot setback. Recreational commercial uses allowed by a conditional use permit shall comply with a 90 foot setback or a different setback determined to be appropriate by the Hearings Officer that will accomplish this policy, other policies or unusual circumstances that may exist at the site. Measurements for setbacks shall be

made from the centerline stripe of Highway 204, or some other determinable point.

D. Regular Facilities (Schools. Police. Electrical Services)
Some minor problems exist with police protection, but area school capacity, electrical service and overall police patrols are generally believed to be adequate. (See Policy 77)

The County considers the availability of the above services important. Confinement and reduction of vacation home development and other appropriate development standards are a way to help insure continued good service. Several Tollgate area policies have been adopted to work on improving any inadequacies (police protection). (See Policy 77)

Policy 77- The County will consider ways to improve police service and maintain other services in the area consistent with the level of population to be served.

E. Recreation-Recreation/Commercial Needs
Area recreational service needs were identified as: additional picnic and day use facilities, overnight travel trailer parks and incidental commercial service expansions and uses. (See Policy 78)

A major public concern about the above recreational services was that they be located in appropriate areas, where they could efficiently serve the area without causing incompatible problems with adjacent land uses. (See Policy 79)

Since Tollgate has unique development and road patterns, locational and development standards recommended for recreational and commercial service uses by the Tollgate Committee were very helpful, appropriate, and most suggestions adopted as policy. (See Policies 79, 80)

Policy 78- New day use, picnic and overnight recreational vehicle camping facilities shall be encouraged to locate on public lands for similar reasons found in Policy 74 above. However, these uses will also be permitted adjacent to the three existing recreation/commercial use areas serving the Tollgate multiple use area: Tollgate Chalet, Tamarack Inn and Tollgate Shopping Center. New uses will be allowed only if a conditional use permit is obtained from the county and prescribed development standards listed in the Development Ordinance designed to ensure compatibility with adjacent land uses, is satisfied.

Policy 79- New recreation/commercial uses (e.g. cafes, gas stations, gift shops) allowed in the Tollgate multiple use area will also be permitted as a conditional use and located only adjacent to one of the three existing commercial uses listed in Policy 78 above. In addition to development criteria in the Development Ordinance which must be met to gain permit approval; these new uses will not be sited within identified big game migration corridors.

Policy 80- Expansions or additions to present commercial/recreational buildings will be required to meet appropriate standards in the Development Ordinance. The special setback rule along Highway 204 shall not apply in this situation but will have to satisfy setback and other applicable regulations of the assigned zone as outlined in the Development Ordinance.

F. Environmental Issues
An issue of particular concern to Tollgate residents was the desire to protect water sources, both quantity and quality. Many

felt unsure that the Department of Environmental Quality standards would adequately protect water sources, especially over larger areas, as current zoning allows and when septic tank approvals are done on an individual basis without any analysis of overall impacts. (See Policy 82)

The County has reduced the area of vacation home development and has placed most steep slope and suspected poor septic tank soils into a resource category. This action should reduce potential overall effluent and therefore lessen danger of polluting water sources. Less acreage for vacation home use will also mean reserving or maintaining overall water supplies in the Tollgate area. (See Policies 72, 82)

Other development standards such as minimum lot sizes appropriate to control densities or spacing of dwelling and their water and sewage disposal facilities will help to maintain water quality and quantity desired by Tollgate landowners. (See Policies 72, 82)

Scenic amenities along the Tollgate Highway were an environmental concern. Tollgate Committee members suggested that setbacks for buildings be such that they not be seen from the highway. Also, a suggested requirement to not permit vegetation removal within a certain distance from this scenic road was felt necessary to help maintain the area's natural beauty. (See Policy 81)

The County can and does now regulate setback requirements and will adopt the approximate setback regulations recommended by the Tollgate Committee. However, to ensure the recommendation to retain vegetative cover, the county does not have enough staff to adequately police this suggestion. Property owner's encouragement and awareness to maintain vegetation when building new structures in this area could help to fulfill this goal. (See Policy 81)

Policy 81- To protect scenic views along the Tollgate Highway, adequate setbacks shall be required for new vacation homes and other structures proposed to be built along this major travel route. The special setback regulation in Policy 76 will carry out the intended purpose of this policy.

Policy 82- A special emphasis to properly follow appropriate state and federal laws pertaining to water quality protection shall be a requirement in the Tollgate multiple use area. Strict enforcement of existing and subsequent amendments to federal and state regulations shall be required along with other development standards and land use policies assisting to maintain water quality.

G. Resource-Wildlife Issues

Many owners and residents felt that timber management was still practical within a multiple use area such as Tollgate. General productivity information supported their assertion in that Tollgate was found to be one of the better timber producing areas in the county. (See Policy 83)

Ways of managing and harvesting timber, however, was subject to some disagreement. Clear cutting, which is allowed under the Oregon Forest Practices Act, was not popular because this practice tends to ruin scenic and some recreational values. Investigation by the Tollgate Committee suggested that a forest management system called "uneven age" could be very practical for the Tollgate area (see Tollgate Committee report in the Appendix). So appropriate was the uneven age timber management system that the Tollgate Committee recommended it be required in

most cases of new development and land division proposals. (See Policy 83)

The ability of the county to oversee timber management programs is non-existent with no expertise in this field. The county is only in the position to be able to encourage the uneven age timber management system or similar systems. (See Policy 83)

A majority of residents and citizens who recreate on Tollgate Mountain considered wildlife and big game protection an important issue. (See Policy 84)

Big game migration corridors in the area have been identified and support to protect them has been expressed. The Tollgate Committee suggested several policies based upon this support. (See Policy 84)

The County reviewed the information and suggestions about wildlife/big game issues in this area and have adopted policies that can be enforced. Two big game corridors were not proposed for adoption because existing lot sizes, timber management practices and dense development patterns negated their intended purposes. (See Policy 84)

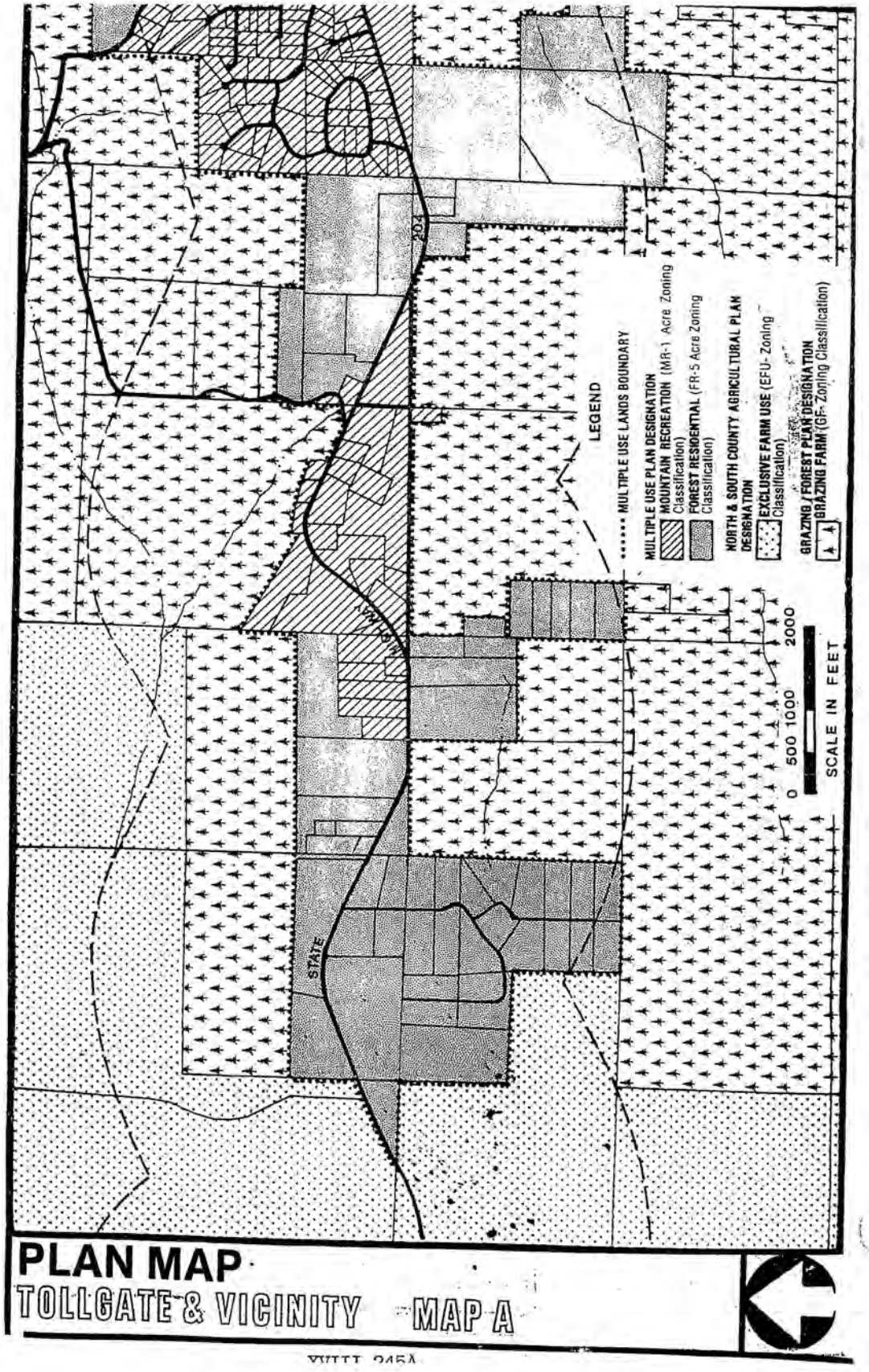
Policy 83- Strongly encourage landowners within the Tollgate multiple use area to manage their land for timber production. Intensive management, like the uneven age timber management system or similar systems, will be suggested but not required over traditional even age management techniques. A handout explaining uneven age systems and their advantages in multiple use areas will be provided to all owners applying for a vacation home development permit.

Policy 84- To protect big game movement to critical winter range areas, two big game protection corridor overlay zones have been established. These protection corridor overlay zones shall be shown on the county zoning map, and the following policies shall apply to future development and land division proposals within them.

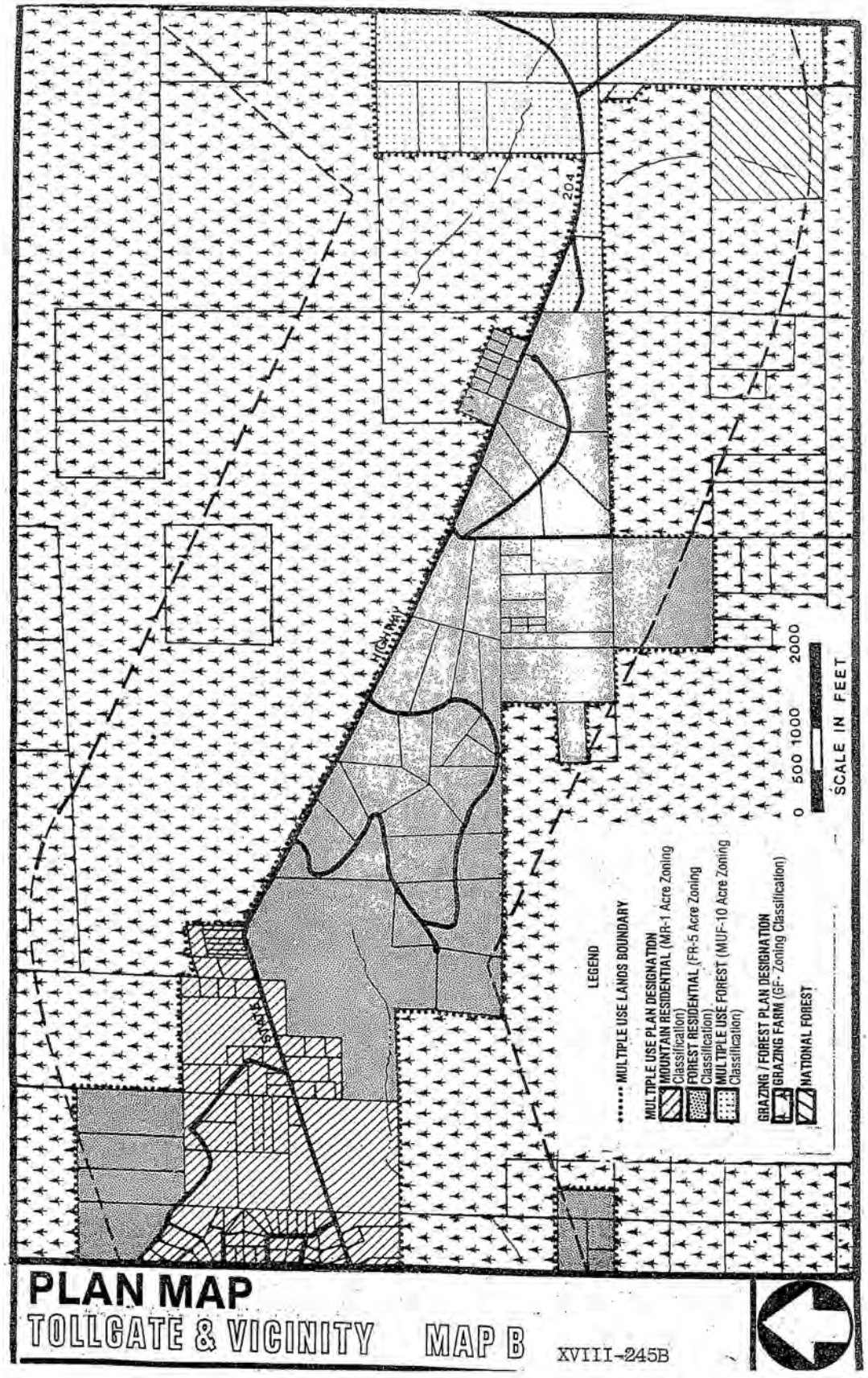
a. The 10 acre minimum lot size multiple use forest zone shall apply;

b. No recreation/commercial use listed in Policy 78 and 79 shall be allowed;

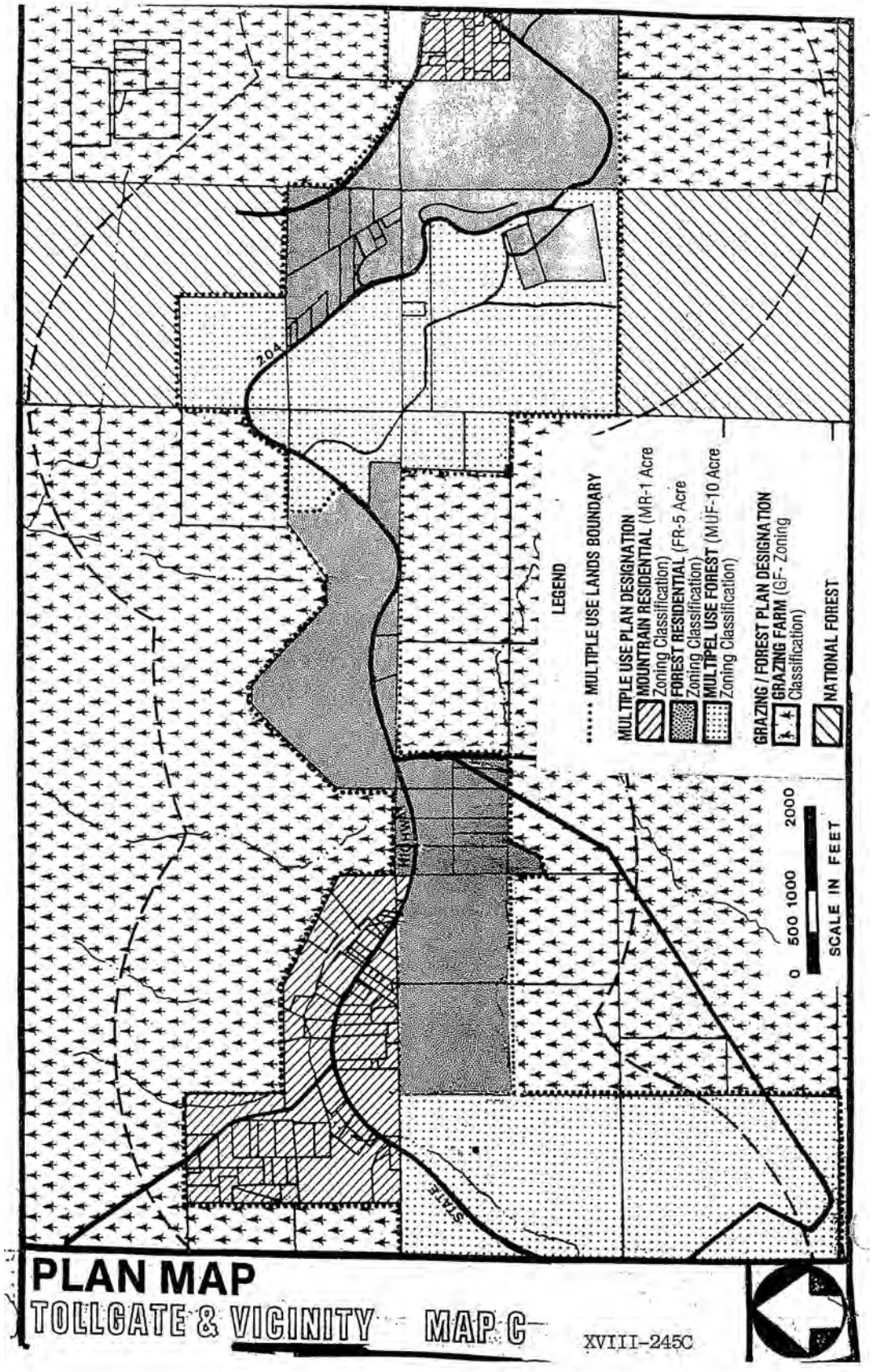
c. No clustering of development is permitted.



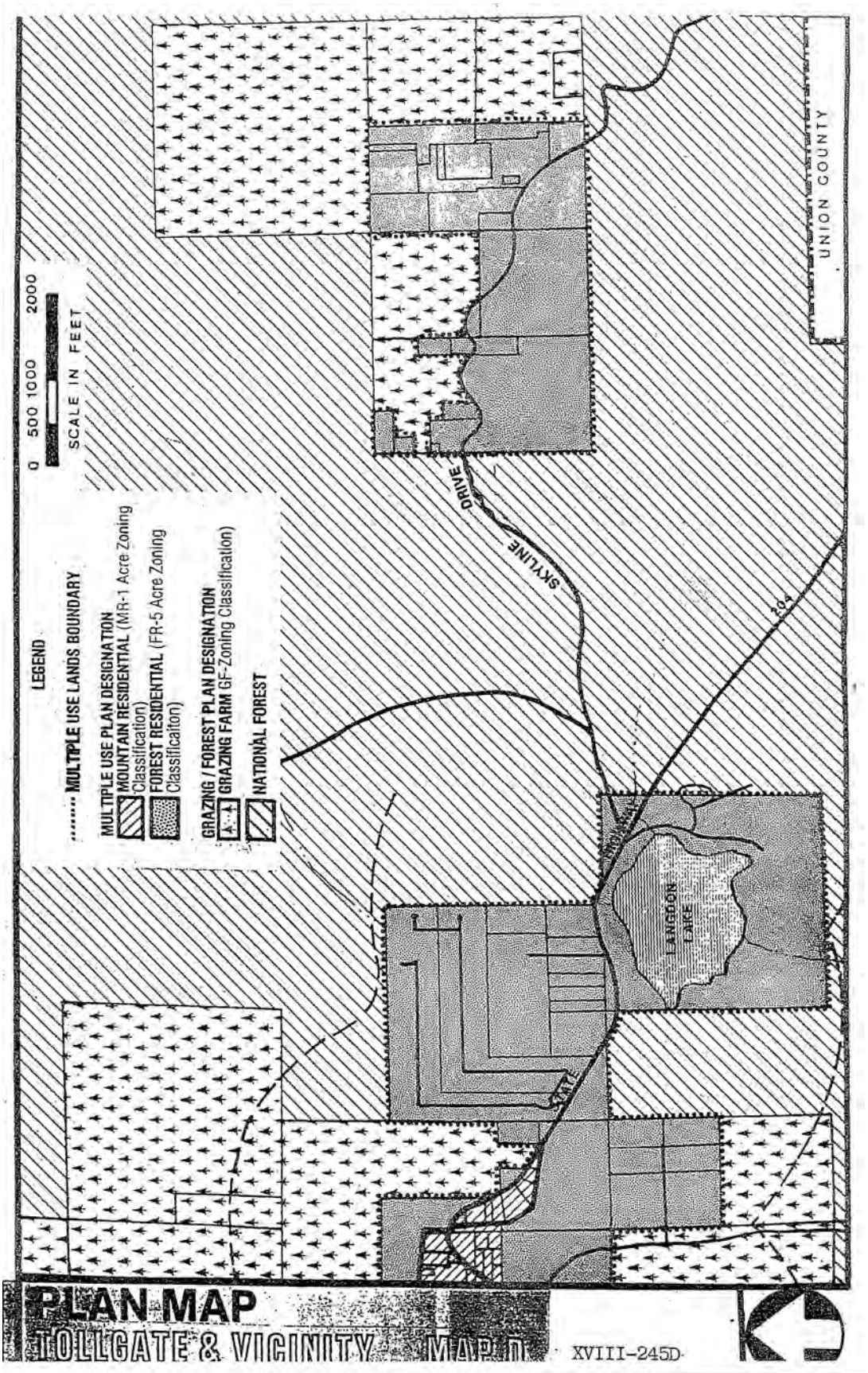
Map 18-26 – Plan Map, Tollgate & Vicinity, Map A (XVIII-245A)



Map 18-27 – Plan Map, Tollgate & Vicinity, Map B (XVIII-245B)



Map 18-28 – Plan Map, Tollgate & Vicinity, Map C (XVIII-245C)



Map 18-29 – Plan Map, Tollgate & Vicinity, Map D (XVIII-245D)

EXISTING RESORTS MEACHAM MULTIPLE LAND USE POLICIES

Preparing a plan for the Meacham multiple use area, the second largest such area in the county's mountainous highlands, has not been easy nor without controversy. Like Tollgate, the scattered ownership types (e.g. ranches, seasonal and permanent residents, timber company and public lands) has made it difficult to balance the varied interest and needs here with state land use planning goals. Also, residents and owners in the area have mixed opinions on how the area would develop in the future. Some owners wish to develop their land for seasonal vacation homes because the area is a convenient distance from Pendleton and is a popular summer-winter recreation destination. Other residential landowners, however, feel that more development means more demand for local public services and greater tax burdens upon local property owners to provide these new services and related facilities.

Highwater tables and unreliable water sources in some areas, intermixed with developable land, also create problems in determining this region's containment or growth decisions. Minor water pollution problems have been suspected in the unincorporated community of Meacham and is expected by some to occur elsewhere in the area if development densities are too great. Unfortunately, ground water supply studies are not likely to be made, nor is the preliminary soils survey information conclusive in locating or determining where or what development problems will occur in suspect areas.

The exceptions statement for the Meacham area explained that the existing spread-out vacation home zoning pattern was dealt with first to address some of the above concerns. A 1980 general plan proposal was supposed to do this. Large acreages of existing one acre and five acre zoning were proposed to be placed in a resource use category and vacation home development confined between major utility lines and centered around Meacham where services existed. This plan was not well received. Many felt that it failed to comply with state planning goals; it was still too large an area for recreational home development, and that proposed density sizes and patterns appeared to then be inconsistent with the area's ability to handle the proposed growth.

A special citizens committee similar to one organized for Tollgate was thought advisable by several county Planning Commission members to gain more citizen comments from the south and central county areas, particularly from ranchers and timber industry people. Several developers, engineers and representatives from the Confederated Tribes were sought to be members, but only one engineer offered to serve. Their report contained a wide variety of recommendations. Some were new and others a reiteration of previous citizen comments and recommendations.

Pertaining to the Meacham area, this special committee recommended a somewhat larger area than the 1980 planning staff proposal just mentioned. Clustering development along with lot minimum sizes of one and five acres were recommended but not applied to specific areas. A "market" place determination would decide such lot sizes and development patterns.

While other development standards would apply to assist in protecting adjacent resource lands and address facility and service issues, the committee's proposal does not appear to agree with nor fully address many area residents' and landowners' previous concerns and

comments. Particular disagreement would be the area and density possibility of recreation home development on the west side of the freeway.

The County, in trying to come up with a development proposal correlating as many of the ideas from both citizen and committee recommendations, had to consider tradeoffs and compromises not only between development/non-development interests, but also between all the statewide land use planning goals. These tradeoffs and compromises are discussed in the following section along with policies intended to implement the development compromises reached for the Meacham multiple use area.
A. Development Concerns

Virtually no agreement was ever reached as to what area should be set aside for vacation home and recreational uses and what density, densities or patterns would satisfy people/resource/land capability concerns. The only aspect generally agreed upon was the benefit of clustering development in recreation use areas. (See Policy 85)

Citizen recommendations on lot size minimums for new vacation home lots varied from 1 to 20 acres, but most felt that five and ten acre lot sizes were appropriate in light of suspected development limitations (e.g. highwater table, soils poorly suited to sewage disposal, etc.) and the limited capability of existing facilities and services to handle new development proposals. (See Policy 86)

Meacham town site was less difficult to plan. Most agreed that Department of Environmental Quality standards were sufficient to regulate development on the smaller platted lots and that the existing one acre minimum was adequate for small acreage lots immediately adjacent to this unincorporated community. Meacham town site is also a service and local trade center which citizens feel if properly planned could help solve some existing problems and evolve into an even more useful center or possibly, in the distant future, into a fully incorporated town. (See Policy 87)

Perhaps the biggest controversy regarding development concerns was new seasonal home development on the west side of 1-84. The special committee recommended development here, but many residents had earlier objected to most vacation home or recreational proposals, including an earlier planning staff recommendation proposing development on this side of the freeway. (See Policies 85, 86)

To deal with all these development recommendations, the county compromised by cutting back the area proposed for seasonal home use and utilizing slightly larger minimum lot sizes than currently in force. Areas where existing lot sizes and lot size minimums would not create significant new vacation home development remained as currently regulated. However, when the February 21, 1985, DLCD staff report recommended disapproval, most of the lands west of I-84 were deleted. (See Plan Map and Policies section for locations of specific development regulations that are listed in the following policies).

Policy 85- Cluster developments shall be required in certain circumstances and strongly encouraged in other instance throughout the Meacham multiple use area and shall comply with prescribed standards in the General Policy section. (Policies 6, 7, 8)

Policy 86- Parcels assigned for vacation home and other recreational development in the Meacham area shall be designated

multiple use on the Comprehensive Plan Map. Zoning in this multiple use area shall permit recreational and seasonal home development at a variety of size choices for future buyers without placing unnecessary or excessive burdens upon existing services/facilities. Standards and procedures outlined in the Development Ordinance shall require owners/developers of new development proposals to make necessary additions or improvements to public facilities and services.

Policy 87- The townsite of Meacham shall be designated and zoned Unincorporated Community to promote a rural service atmosphere or character. A variety of uses will be allowed as in the present zoning; however, some questionable, potentially incompatible uses have been placed into a conditional use category from an outright status with review procedures and standards required to help assure compatibility between land uses. B. General Planning Concerns

As encountered in the Tollgate multiple use area, citizen participation in the planning process was of great interest and importance to area residents and owners and was substantiated by large attendance numbers at various meetings. Future citizen participation opportunities were also suggested by the South County Mountain Committee, one being that a special Meacham area citizens committee be formed at scheduled plan updates or for proposed major revisions to the plan. The Citizen Involvement chapter contains policies that require citizen participation and specific area committees. (See Policy 88)

Area residents commented that trespassing and vandalism occurred frequently due to the areas accessibility and popularity as a recreation area. Policies in various sections of the Comprehensive Plan are intended to work toward solving and hopefully reducing vandalism or other nuisance problems not only in the Meacham area but in all areas of the county. (See Policy 89)

Policy 88- A Meacham area citizen advisory committee will be formed to assist developing and assessing future plan policies affecting this area.

Policy 89- General plan policies dealing with multiple use areas address Meacham area vandalism and trespass issues.

C. Public Facility and Service Concerns

Meacham area public facilities and services are very basic. Utilities are adequate and fire protection is provided by a highly motivated and har working volunteer department. The unincorporated platted community of Meacham provides additional services such as mail, convenience goods and fuel facilities hot only for Meacham residents but also for nearby seasonal and permanent home property owners. Minor problems with police protection and road maintenance were expressed. (See Policy 90)

The main concern about public facilities and services was possible deterioration of or expense to improve existing facilities and services from likely demands of new vacation homeowners, especially from large development projects. (See Policy 90)

Reductions in area and decreased development densities from present planning regulations along with new development standards requiring or addressing public facilities and service concerns are intended to keep new recreational and vacation home uses within capabilities of area services. These regulations include fire prevention and protection measures considered important

by area residents and property owners. (See Policy 90)

Policy 90- The County shall consider potential impacts upon public services from new development in the Meacham multiple use area. Policies in other sections of the plan serve as measures to properly plan for future public service facility needs.

D. Recreation-Recreational/Commercial Needs

Emigrant State Park, Pond Loree and Meacham provide existing recreational and recreational commercial service. Several churches own property for retreats and recreational purposes. One property (Fountain Lake, Incorporated) has been zoned for tourist commercial use since 1972, but has never been developed. (See Policies 91, 92)

Conflicting opinions as to future need for and location of additional recreational/commercial uses are evident in recommendations and opinions expressed by area residents and those from the South County Mountain Special Advisory Committee. The committee felt these types of recreational activities were needed and that present land zoned rural or tourist commercial along with additional land near highly traveled roads be provided for competitive reasons. However, responses from area citizens and property owners about this issue were generally negative regarding additional need for these uses (especially biking, skiing and motor vehicle trails). Some expressed that development standards be placed upon expansions to existing uses and upon new recreation development proposals. The Fountain Lake property was felt by many to be an inappropriate location for tourist commercial zoning because it possesses values incompatible with concentrated development (e.g. highwater table on most of this parcel). (See Policies 91, 92)

Multiple use General Policies address some of the citizen and Meacham area property owner concerns; i.e., careful planning review of and property owner participation in decisions regarding recreational use proposals. Policies relating to the Fountain Lake property and other specific recreational and related commercial use issues in the Meacham area can be found in the following policies.

Policy 91- As a compromise, in the Meacham multiple use area, recreational uses and commercial uses related to these types of activities shall be permitted only if policies, procedures and standards required in multiple use designated areas are met. The only exception will be some recreation/commercial uses proposed in Meacham town site where new sites can be developed for these uses under slightly different and less complicated review procedures.

Policy 92- The Fountain Lake property will be rezoned from the current C-2 Tourist Commercial to a multiple use zone that permits more compatible land uses with the surrounding vacation home development. E. Historical Preservation

The Meacham Cemetery, The Meacham Hotel, several historic stagecoach stops and portions of the Old Oregon Trail were of significant value to area residents for preservation and protection considerations. A cooperative effort between the various landowners, the county and other appropriate agencies was suggested to mark, maintain and protect these sites. These historic sites and structures are mentioned in the Open Space-Resource-Historic chapter along with preservation and protection

strategies. (See Policy 93)

Policy 93- Local historical sites and structures recommended by area residents will be considered for protection according to strategies, policies and measures listed in the Goal 5 Historic Preservation chapter. F. Environmental Concerns

Often mentioned at public meetings was the concern about future availability of domestic water supplies, pollution of water sources and inappropriate development in and around sensitive areas (e.g. creeks, ponds, open meadows, high water table areas). Some minor water pollution problems have been identified in Meacham and are suspected around Meacham Lake. (See Policy 94)

Policies that reduce the existing spread out medium to low density recreational residential zoning should help reduce potential water consumption and reduce further possibilities of pollution in the Meacham area. Also, development standards have been adopted in the Development Ordinance to help assure appropriate development siting and densities near environmentally sensitive areas. (See Policy 94)

Policy 94- Development proposals in the Meacham multiple use area shall comply with somewhat larger minimum lot size requirements than those applied in the previous plan to protect water qualities and quantity. Larger development proposals (e.g. vacation home subdivision, cluster developments, etc.) shall comply with applicable state and federal regulations concerning water and sewage areas, etc., listed in the Development areas. (See also Multiple Use General Policies)

G. Resource-Wildlife-Fish-Concerns

Harassment of Wildlife and protection of big game and fishery streams were concerns of area property owners and residents. These comments were mostly related to anticipated impacts from new development, especially on the west side of 1-84. The South County Mountain Committee didn't feel as strongly about wildlife. (See Policy 95)

The county acknowledges the importance of fish and wildlife to area citizens and has adopted policies and development standards to maintain their habitat and movement. Again, less area set aside for seasonal vacation home development, large lot size minimums for new recreation home land division, as well as for resource land division, along with special setbacks from fishery streams and lakes, should all help to fulfill this protection objective. (See Policy 95)

It was the consensus of many, including the South County Mountain Committee that in some instances forest management plans should be incorporated into new development proposals in the Meacham multiple use area where tree species and conditions permit. Intensive management techniques, similar to the uneven age system mentioned as appropriate in the Tollgate multiple use area, were also favored for use in this area. (See Policies 25, 26, 27)

As explained in the previous multiple use area plan section, the county is able to encourage timber management. But, in instances of major development proposals, such a requirement may be necessary. (See General Policies 25, 26, 27)

Policy 95- Policies specific to multiple use areas for timber, wildlife and fish protection/management shall be applied to the Meacham multiple use area. (See General Policies section pages 18-122 to

123)

H. Other

The South County Mountain Committee recommended some rather unique and specific development standards to be applied to new recreation and vacation home development. Many of these recommendations were similar to ones already being proposed and have been adopted as regulations in the Development Ordinance. Some others were noted when compromises were made where they conflicted with a majority of area resident's concerns. (See Policy 96)

Several additional comments need to be made on one or two of the South County Mountain Committee proposals. First, the 1/2 acre density recommendation for clustering does not address the rural preservation desires of Meacham property owners. No maximum parcel size is mentioned as a guide to contain or control development which appears that on a 50 acre parcel, 100 units could be allowed. This comment also relates to the same density proposal regarding self-contained trailer and camper sites where often these developments turn into more permanent and frequently used structures which, with unlimited amounts of development, could result in undesirable crowding. (See Policy 96)

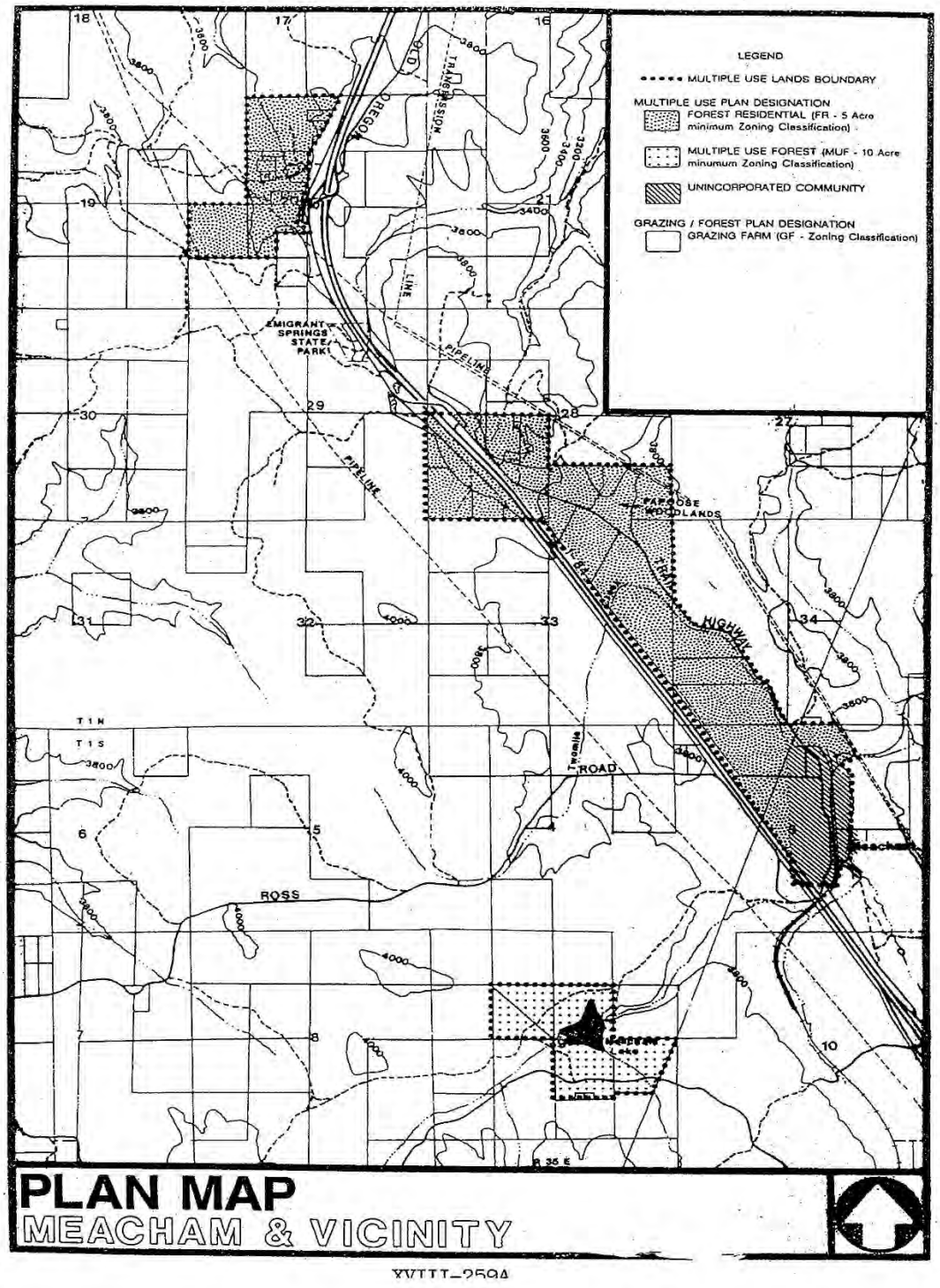
A suggestion that proof of waste water disposal (Septic Suitability) not be required prior to approving a development, conflicts with policies on land partitioning. Major developments such as subdivisions do not require proof; however, partitions (one or two lots per year) do. (See Policy 96)

Policy 96- The county is appreciative of the effort which the South County Mountain Committee made and will include those recommendations as policies of development standards which agreed or closely agreed with other area citizen and property owners' comments and with state land use planning goals.

After review of the Meacham exception area by the Department of Land Conservation and Development (DLCD), it became evident to the county that those portions west of 1-84, excluding the Meacham Lake area, would not be approved by the state for recreational development, and thereby nullifying the county's attempts to take exception to Goal #4 Forest Lands. Umatilla County has tried several times to justify additional lands in the Meacham area for recreational residential use to alleviate development pressures in the more developed lands near Meacham each attempt was rejected by the state as not being justifiable under the exceptions rule.

To recognize the desires of landowners in the Meacham area and still meet state planning requirements, the county is committing itself to explore alternatives to allow for recreational home development on those lands that were originally proposed for such development, but had to be removed to comply with existing state planning requirements. (See Policy #97)

Policy 97- The County is committed to exploring and developing alternatives to allow for recreational residential development on the lands west of 1-84 that were deleted by the county from its 1983 plan (referred to as Ross Road Exceptions Area) that can comply with state planning requirements. The county is committed to doing this planning work not later than the first major update of the plan.



Map 18-30 – Plan Map, Meacham & Vicinity (XVIII-259A)

NON-RESOURCE LANDS

The land use designation of Non-Resource Lands shall be applied to lands that have been determined to be non-agricultural or non-forest lands. These are lands which do not meet the Statewide Planning Goal 3 definition of "agricultural lands." Authorized lots or parcels (but not portions thereof) within a "planning area" which has been designated by the comprehensive plan map for agricultural or grazing uses may be designated Non-Resource (NR), when compliance with the following criteria has been demonstrated.

A minimum "planning area" of 1000 acres is required for a Non-Resource (NR) designation. The Planning Area can be composed of multiple parcels/lots, however, these parcels/lots are not required to be adjacent or contiguous.

A. The land within each lot or parcel within the area proposed to be designated as non-resource land shall:

1. Have predominant (greater than 50%) soil or soils having a Soil Capability Class other than Class I, II, III, IV, V, or VI in the most recent Soil Survey of Umatilla County published by the Natural Resources Conservation Service (NRCS). Soils having both an irrigated and non-irrigated class rating will be rated based on whether irrigation rights are or are not perfected at the time the application is filed;

2. Have lands unsuitable for farm use as defined in ORS 215.203(2), taking into consideration soil fertility; suitability for grazing; climatic conditions; existing and future availability of water for farm irrigation purposes; existing land use patterns; technological and energy inputs required; and accepted farming practices.

3. Not consist of land that is necessary to permit farm practices to be undertaken on adjacent or nearby agricultural lands;

4. Not consist of land in capability classes other than I, II, III, IV, V, or VI that is adjacent to or intermingled with lands in capability classes I, II, III, IV, V or VI within a farm tract;

5. Not consist of land within acknowledged urban growth boundaries or land within acknowledged exception areas for Goal 3 or 4; and

6. The land is not required to buffer urban growth areas from commercial agricultural operations.

B. Land is necessary to permit farm practices on adjacent or nearby lands when the land within the lot or parcel provides a special land use benefit, the continuance of which is necessary for the adjacent or nearby practice or operation to continue or occur. The following rules shall apply when evaluating this criterion:

1. Land use benefits shall include access, water supplies, wind breaks, impact buffering, the minimization of land use conflicts; and the preservation and protection of soil, air, water, watershed, and vegetation amenities;

2. A land use benefit shall be considered necessary for normal farm practices when loss of the benefit will interfere with accepted farm practices by significantly impeding or

significantly increasing the cost of the practices or operations.

3. The application shall include a review and assessment of the relationship between the planning area under consideration and surrounding farm practices, and a description of existing farm practices on adjacent or nearby lands, as well as the general geography and potential land uses on the subject property.

4. In the event a farm operator within the review area contends in the record that the map changes could significantly impede or increase the cost of specific practices or operations, and this contention is based upon records, data and other information in the operator's possession, but unavailable to participants in the hearing from public sources, the review body is authorized to require the operator to submit the supporting records, data and other information into the record for examination by the review body and other participants.

5. A planning area shall not be considered necessary to permit farm practices on adjacent or nearby lands if the necessary benefit can be preserved through the imposition of special restrictions or conditions on the use of the subject property which reasonably assure continuation of the benefit.

6. As a condition of the approval of all plan and map changes from resource to non-resource designations, the property owner shall execute an affidavit acknowledging the following declaratory statement and record it in the deed and mortgage records for Umatilla County:

"The subject property is located in an area which was previously designated by Umatilla County for resource uses. It is County policy to protect agricultural operations from conflicting land uses in such designated areas. Accepted agricultural practices in t1is area may create inconveniences for the owners or occupants of this property. Umatilla County, however, does not consider it the agricultural operator's responsibility to modify accepted practices to accommodate the owner or occupants of this property, with the exception of such operator's violation of state law."

GOAL EXCEPTIONS STATEMENT FOR RURAL RESIDENTIAL AREAS

INTRODUCTION

This portion of the plan explains and/or identifies lands where Umatilla County will seek to justify an exception to State Planning Goal #3 (Agricultural Lands). Findings and reasons supporting such an exception are also outlined.

Mentioned in the Housing section of the Comprehensive Plan is the fact that the county has had rural residential development in and around its towns and cities for many years. In some instances, these areas are quite extensive, such as those around Hermiston and Pendleton and, to a lesser degree, developments near or adjacent to Milton-Freewater, Umatilla and Pilot Rock. Lands in these rural residential areas have been divided, sold and developed, becoming irrevocably committed to non-resource uses.

As with recreational home development in the county, rural residential areas are located where roads, public services and public facilities are most readily available. Vacant land within these areas permits additional rural residential living, but containment and control of future divisions and rural residential uses will ensure that they occur near or in areas of existing development at densities appropriate and compatible with the rural environment and consistent with future transportation, utility systems and available public services.

At the onset of this exceptions process, it is the County's intention to recognize existing rural residential areas as appropriate locations for additional rural residential construction.

EXCEPTIONS ANALYSIS

Within this plan, needs for future rural development lands are formulated upon projected forecasts. By the year 2000 it is predicted that 27,500 County citizens will live outside urban growth areas. (See chapter HI of Technical Report). To anticipate the general geographic areas where that growth will occur, the county may be viewed in three sections, each with a dominant city. In the west, Hermiston forecasts a year 2000 population of 32,800; centrally located Pendleton predicts 20,500; and in the northeastern part of the county, Milton-Freewater expects to grow to 9,850. Summing these cities' projections and calculating each dominant city's percentage resulted in approximately 50%, 30% and 20% respectively. Permit records for rural housing construction or placement since 1972 also shows a similar 50%, 30%, 20% area distribution. Since this ratio occurred during the growth rate of 1972-1978, from which the year 2000 projection is based, a similar area growth ratio is assured to continue for the next 20 years. Using these comparable percentages for rural residential distribution results in expectations of 13,750 in the West County; *4,550 (8.250 minus 3.700 Umatilla Indian Reservation prediction) in the Central County; and 5,500 in the east part of Umatilla County. These figures include farm families living on their farmlands.

To determine existing rural residential populations for each segment of the county, map and aerial photo analyses were conducted to enumerate both rural residences and farm dwellings. Farm homes are assumed to remain relatively constant at present numbers during the next 20 years and are therefore not expected to appreciably modify year 2000 rural population forecasts.

Average rural housing size in Umatilla County is estimated to be 2.6 persons per dwelling unit. This estimate was made several years ago (1979) before the 1980 Census information and based upon the smaller household size trend experienced nationwide. Preliminary 1980 Census data places the average household for Umatilla County at 2.7 persons per dwelling, which is very close to the estimate of 1979. Since the smaller-household trend is continuing, and considering that much of the rural residential exception statement and data worked on earlier uses the 2.6 estimate, Umatilla County feels justified in using this figure for the Comprehensive Plan. (See Chapter I of Technical Report.)

Citizen comments reflect general agreement that an average rural residential lot size offering rural lifestyle amenities and providing sub-surface sewage disposal should be about two gross acres per dwelling. (See also Economy and Public Facilities chapters for further discussion of lot size analysis). Lands necessary for year 2000 rural use may therefore be approximately calculated; 20-year forecast minus present farm dwellings at 2.6 persons per unit equals year 2000 rural residential population; that population divided by 2.6 persons per unit equals year 2000 rural residential units needed; multiplied by two acres per unit approximates total acreage to be used for rural residential housing. Existing rural residential development deleted from projected need identifies the necessary additional amount of land to be classified for future rural residential use. It must be noted that several developed/committed areas were approved four acre densities for a variety of reasons.

These lands are discussed in more detail later on this exception statement. Developed/committed rural residential lands in the county are formulated in criteria established by the various area county citizens advisory committees and information gathered during public meetings. Those involved spent many hours helping to define developed/committed criteria.

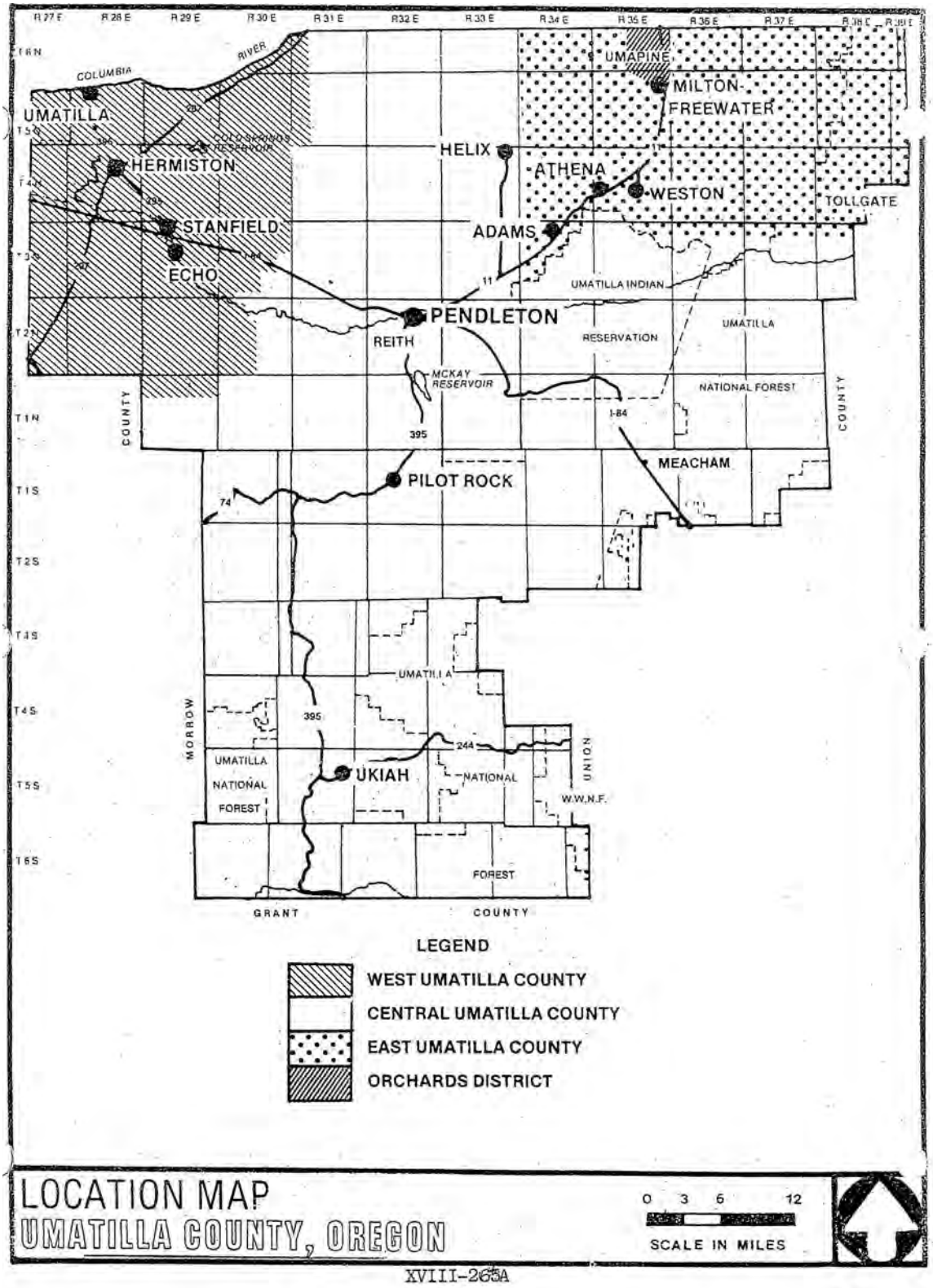
Agricultural land needed for non-farm uses is the other category of land involved in the exceptions process. Properties in this classification include those lands needed beyond developed/committed land capacities. In other words, if the expected population cannot be accommodated within the identified committed and developed areas, other "needed" lands must be sought to supply the additional land area requirements.

Taking a full exception to the agricultural goal provides Umatilla County with a method of balancing state land use requirements with local land use needs.

For ease of reference, review of the agricultural land exceptions process is divided into three geographic areas of the county: West, Central and East. Justification of future land requirements, method of population distribution, explanation of developed/committed criteria, general descriptions of developed/committed lands, and an explanation of why additional needed lands were chosen are outlined for each of these areas at the end of this exceptions statement.

It is necessary to explain in a little more detail the methodology of determining rural residential areas before going into the area analysis. The county, through a series of circumstances, has to address rural residential areas in connection with what is called "deferred areas". These deferred areas have been delineated based upon their

known rural residential use and also include some farm areas. A separate deferred area plan has been agreed upon by both LCDC and the county to be submitted September 1, 1983, apart from the resource plan approved by the county and submitted to the state for acknowledgment on May 9, 1983. These deferred areas are to be examined to see if they qualify as rural residential lands when specific criteria meeting appropriate state laws and administrative rules, identifying non-resource uses or lands irrevocably committed to non-resource criteria, are applied. The rersult of applying applicable non-resource criteria produces those lands meeting these criteria, revealing rural residential lands, and those parcels not qualifying under the criteria and classified as resource lands. Remaining resource lands in deferred areas are discussed in the Technical Report (Chapter B) and in the Comprehensive Plan Map Section (Chapter 18), while rural residential areas are discussed below.



XVIII-265A

Map 18-31 – Location Map, Umatilla County, Oregon (XVIII-265A)

WEST COUNTY DEVELOPED/COMMITTED RURAL RESIDENTIAL EXCEPTIONS

The following criteria will be applied to rural lands in West Umatilla County in determining whether a conclusion can be made that Goal #3 Agricultural Lands is no longer applicable or that the long-term use for agricultural purposes is impractical.

Developed Lands Criteria

1. A five-acre parcel or less occupied by a dwelling when intermixed with similarly sized non-agricultural parcels under different ownerships.

    a. Most all comments received from residents and landowners felt that this size and smaller was definitely a non-agricultural size, and if found in large enough areas, is considered for uses other than resource activities.

2. Any subdivision with an approved plat filed in the County Clerk's Office that has improvements (roads, utilities, etc.), or has some rural residential development and is within established rural residential areas.

    a. Rural subdivisions have existed for many years and have been recognized as planned rural residential development accommodating an established and important rural lifestyle.

3. Existing commercial, industrial and/or semi-public uses related to rural residential and/or nearby urban and urbanizing uses that are within established rural residential areas.

    a. These uses are usually found in compact or defined areas; however, they sometimes exist among rural residential homes. Where found within rural residential areas, commercial, industrial or public/semi-public uses are considered developed non-farm parcels.

4. Parcels in existing rural residential areas that are larger than five acres but must have a density of one dwelling per five acres.

    a. This criterion is similar to #1 above, except that in a few instances there are larger lots that have more than one residence. Example, a 20-acre parcel with four dwellings equals a density of one rural residential home per five acres.

Committed Lands Criteria

Lands irrevocably committed to rural residential use in West Umatilla County are those Lands in areas where residential development exists and which possess the following characteristics or situations:

1. Land broken into 20-acre parcels or less with or without an occupying dwelling and predominately intermingled with or bounded by other small rural residential lands under different ownerships.

    a. Generally, a 20-acre parcel size or less, either with a home or vacant and located adjacent to or bounded by developed non-farm property is considered committed to non-farm uses. This size is currently a marginal economic unit for most transitional farm land adjacent to established rural residential ares

in the county, and agricultural activity restrictions placed upon these lands from adjacent non-farm homes warranted their classification as "committed rural residential lands. Spraying chemicals, dust associated with plowing and noise from farm machinery on these committed parcels are not considered to be compatible with adjacent developed non-farm uses. In other words, the public and local farmers consider these lands to be both of marginal size for economic farming and to have too many restrictions to be continued or preserved for agricultural activities.

2. For other sized parcels and/or in different circumstances than that listed above, a detailed written report and if necessary, detailed mapping outlining applicable factors in OAR 660-04-25 and OAR 660-04-028 will be provided to show substantial evidence of commitment.

Methodology

Map surveys and aerial photo analysis indicate that present dwelling units outside of urban growth areas in the West County total approximately 1,622. Of that number, 450 are farm houses, with about 1,172 houses in the developed/committed rural residential areas. Multiplying each type of housing by the average household establishes existing farm population at 1,170 and present rural residential population of 3,050.

Year 2000 non-urban population is projected at 13,750 (50% of total county estimated rural residential population of 27,500). Deleting the present farm population (1,170) plus the existing rural residents (3,050) or a total of 4,220 from the projected need of 13,750 results in the requirement to plan for an additional 9,530 rural residents. Lands needs will amount to 7,330 acres (9,530 divided by 2.6 average household size and multiplied by the chosen two acre rural residential density).

Employing the previously stated developed/committed criteria establishes seven distinct and separate areas totaling 7,951 acres. See map on following page. Within these areas, 2,228 acres are already built upon. Built acres include land and area associated with each existing dwelling unit (accessory uses, roads, easements, etc.) in the developed/committed area that can no longer be built upon. This built area analysis also considered some additional land due to the present scattering of housing which makes exact calculations of vacant available land nearly impossible. Subtraction of the 2,228 built acres form the total 7,951 developed/committed lands produces vacant acreage of about 5,708 acres. The resulting undeveloped acreage (5,708 acres) is nearly the same acreage necessary to accommodate the needed rural residential growth (7,330 acres) over the next 20 years. (Table 1 along with findings/conclusion sheets and corresponding maps on the following pages depict location, statistical information and justification for categorizing each of the above seven areas as developed/committed).

In addition to the seven developed/committed areas, one special treatment area is designated for rural residential. Justification for rural residential use is based on the area's non-resource soils and is explained in more detail following the developed/committed fact sheet (see page 18-153). The Kik Tract Special Treatment Area is 68 acres, and if added to the above 5,708 acres of undeveloped,

developed/committed land planned at the two ace density, results in a total of 5,774 acres still within the projected need of 7,330 acres for the year 2000.

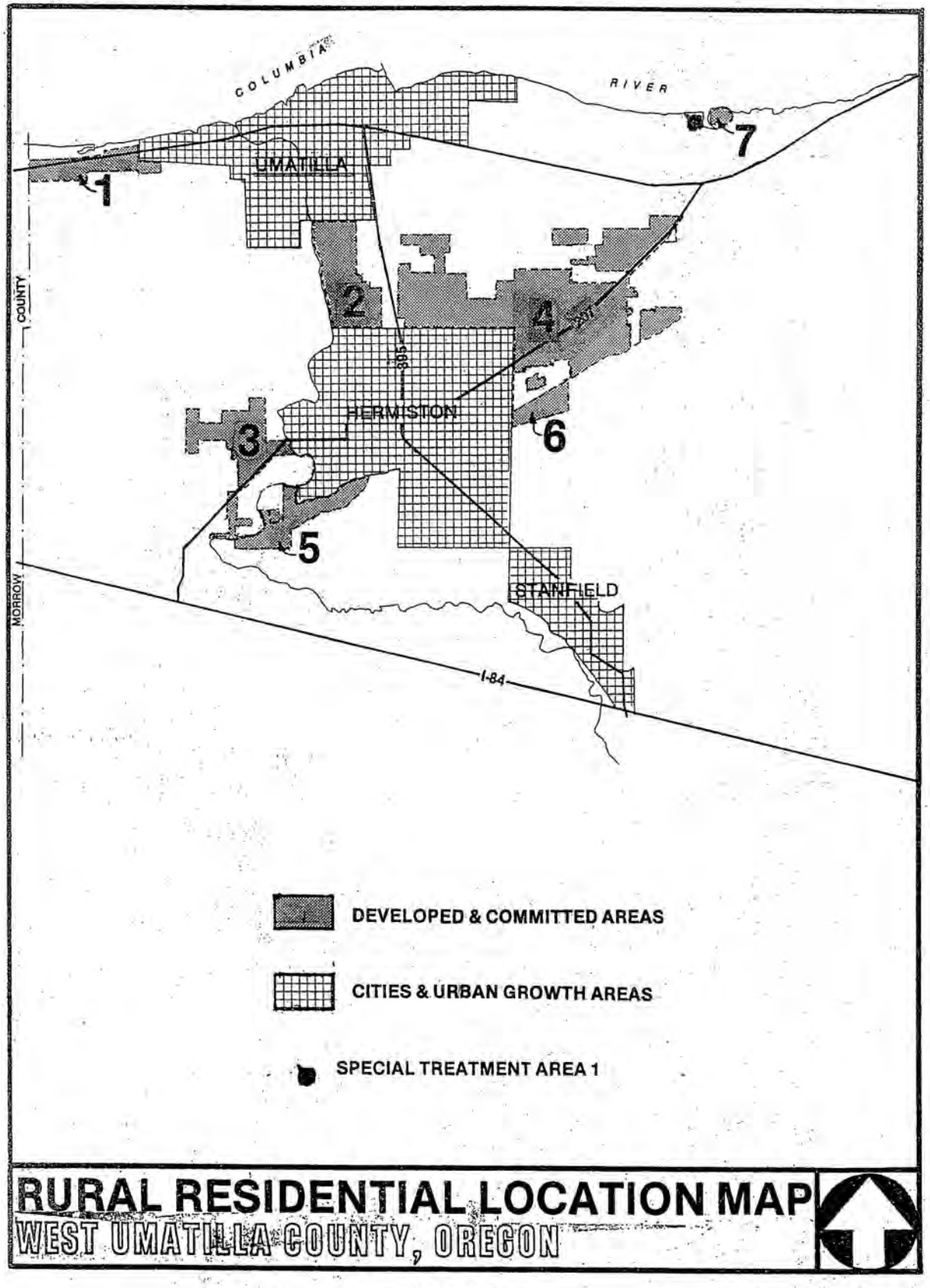
WEST COUNTY DEVELOPED/COMMITTED STATISTICAL DATA

AREA	SIZE (total acres)	EXISTIN GDWELLING UNITS	BUILT ACRES	BUILDABLE ACRES	ADDITIONAL. DWELLING CAPACITY
1	500	56	112	478	239
2	990	100	200	790	395
3	985	192	384	601	300
4	589	652	1,304	3,285	1,643
5	637	90	180	457	228
6	125	24	48	77	38
7	75	20	*	20*	10*
	7,951	1,134	2,228**	5,708	2,853

* Usual built acres computation not applicable in Area #7 and therefore not computed. Nearly all of the 75 acres is composed of a very small lot subdivision. Vacant lot counts were made to determine buildable acres and additional dwelling capacity.

** Figure represents grand total built acres less Area #7. See explanation above.

Table 18-2 – West County Developed/Committed Statistical Data



Map 18-32 – Rural Residential Location Map, West Umatilla County, Oregon (XVIII-270A)

Area: West Extension (Area #1)

Number of Parcels	86
Average Parcel Size	6.8 acres
Number of Dwellings	56
Largest Parcel	60 acres*
Smallest Parcel	.15 acre
TOTAL ACRES	590 acres

Findings and Conclusions:

1. Numerous partitions, a platted subdivision and significant numbers of existing rural residential dwellings qualify the area as developed/committed, non-resource lands.

2. Area has traditionally been one of small hobby or part-time farms, mostly pasturing horses or a few head of cattle. Most parcels do not qualify for farm deferral and are under separate ownerships.

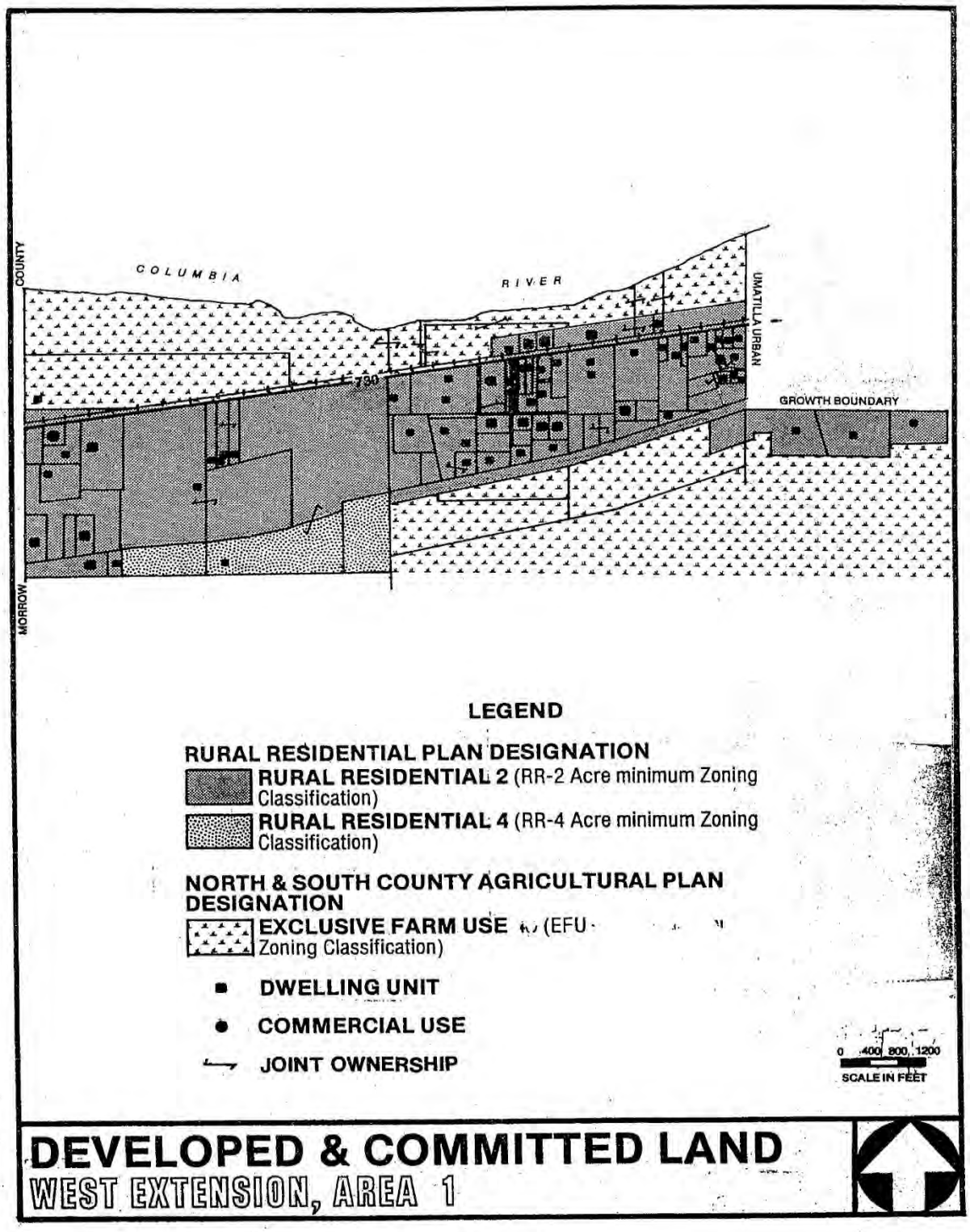
3. *One parcel is larger than most, but is not preserved for farm use zoning because it is bounded on two sides by other developed/committed lands and on the other two sides is separated by a major highway and an irrigation canal. The parcel is pastured as is most of the area previously mentioned and thereby considered not vital or necessary for continued agricultural protection.

4. Area has had one and two acre zoning for more than ten years. West County residents and area residents perceive the area as rural residential. This view is supported by the presence of the City of Umatilla's Urban Growth Boundary on the east side of this area.

5. Soil capabilities are marginal even for irrigation (Class IV). Although within an irrigation district, small parcel sizes and antiquated delivery system has discouraged continued commercial farming. Conversion back into agricultural use like intensive truck farming is considered impossible due to poor soils and non-farm homes.

6. Area is separated from agricultural use by topography and the large Westland Irrigation Canal justifying infill of rural residential here with minimal conflicts as has been the case for many years.

7. Access to parcels is via State Highway 730 and local roads.



XVIII-272A

Map 18-33 – Developed & Committed Lands, West Extension, Area #1 (XVIII-272A)

Area: Cooney-Joy Lanes (Area #2)

Number of Parcels	182
Average Parcel Size	5.3 acres
Number of Dwellings	100
Largest Parcel	26 acres
Smallest Parcel	20 acre
TOTAL ACRES	990 acres

Findings and Conclusions:

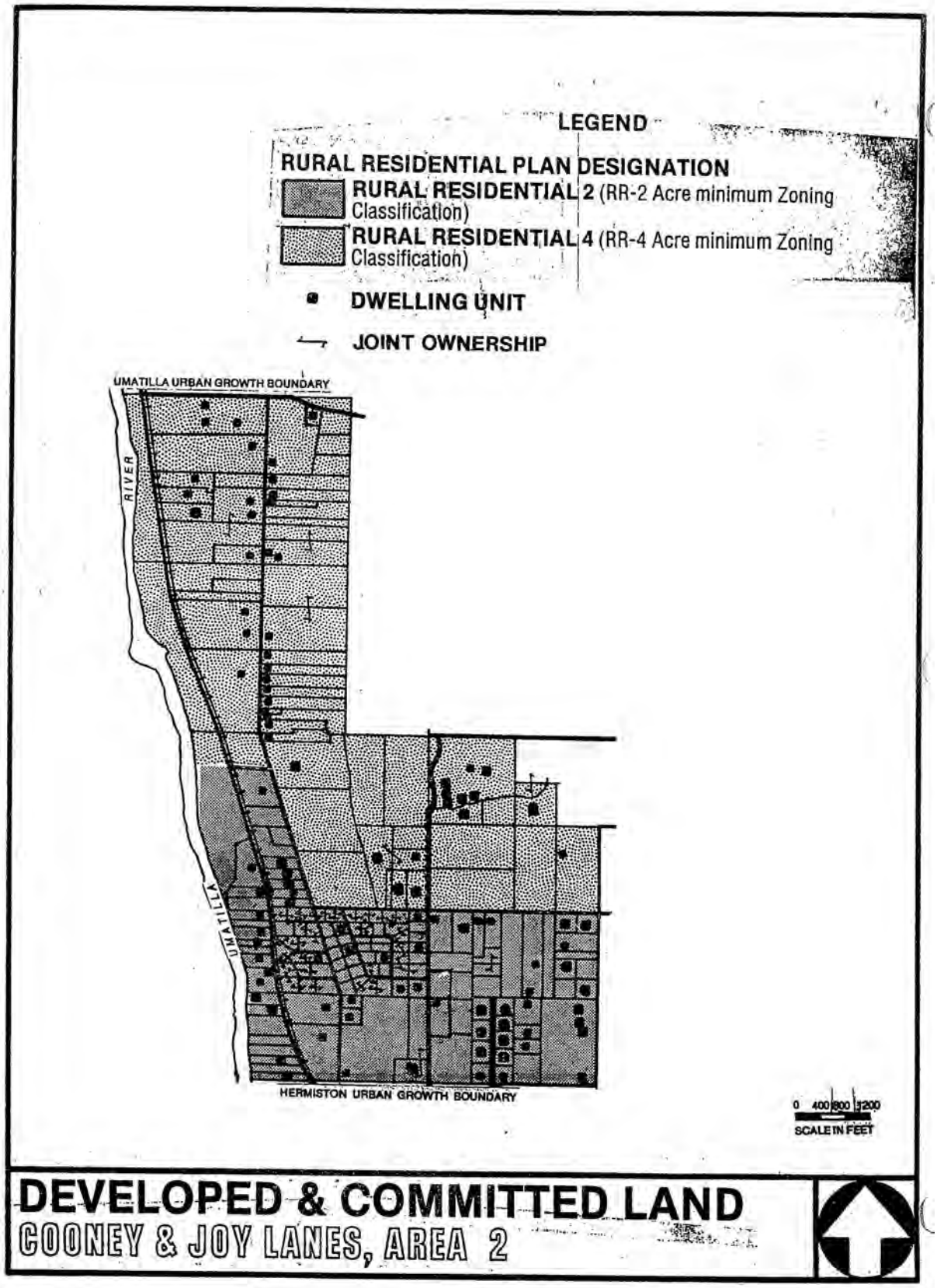
1. Extensive rural residential home development, small parcelization and separate ownerships classify area as developed/committed. One 60+ lot subdivision is within this area.

2. Area is located in proximity to a predominance of non-farm uses or is separated from them by major roads and rivers. The Umatilla River and Old Highway 30 effectively buffer farmland to the west. The Urban Growth Boundaries of Hermiston and Umatilla border on the north and south while industrial uses are adjacent on the east.

3. Area is served by County collector roads.

4. Marginal agricultural soils (Class IV Irrigated, Class VII Dryland) characterize area as non-farm. Limited agricultural use in area (small pastures and a few small alfalfa fields) is greatly inhibited by the existence of non-farm use interferences and conflicts.

5. Almost all of the area has had rural residential zoning for more than ten years, recognizing the existence of this type of use.



Map 18-34 – Developed & Committed Lands, Cooney & Joy Lanes, Area #2 (XVIII-273A)

Area: Westland (Area #3)

Number of Parcels	228
Average Parcel Size	4.3 acres
Number of Dwellings	194
Largest Parcel	36.3 acres
Smallest Parcel	10 acres
TOTAL ACRES	985 acres

Findings and Conclusions:

1. Qualifies as developed/committed non-resource land because of the extent of rural residential development and parcelization. Degree of parcelization is further demonstrated by three subdivisions, all of which are mostly developed.

2. Area is considered mostly marginal farmland greatly impacted by non-farm development. A large majority of parcels are under separate ownerships having a home in conjunction with small horse pastures, and in a few instances small hayfields.

3. Established rural residential use initiated this type of zoning for the past 11 years. Local county collector roads serve area for access purposes. Area residents consider area to be rural residential.

Additional Justification for Developed and Committed Parcels Explanation - Parcels A through C and I through K on the Westland Area #3 Map, Map 18-35 are committed parcels. Parcels E, F, G and H are - "developed." Two sub-area explanations will set forth the factors leading to a nonagricultural development commitment conclusion.

Description of Sub-Area A (Parcels A. B. C, D and E) - These five parcels total approximately just over 102 acres and are on the north side of Westland Road, approximately 3/4 mile west of the city limits of Hermiston, and about 1/2 mile west of Hermiston's Urban Growth Boundary. All five parcels are vacant sagebrush land.

Adjacent Land Uses to Sub-Area A- Rural residential use is the predominant land use activity adjacent to the committed area under discussion. On the west side of committed parcels A and C are homes in a platted subdivision. Acreage rural residential lots and dwellings area also found on the north and northeast boundaries of this sub-area. A commercial honey processing facility is on the southeast corner of committed parcel B. Vacant sagebrush land is across Westland Road from committed parcel D. On the south border of committed parcel C is a small, semi-active gravel pit. Vacant subdivision lots and a motorcycle racing track border on the west and south sides of committed parcel E.

Development History of Sub-Area A and General Area - This sub-area, like much of the other Hermiston areas, had substantial development due to the boom and bust development cycles of the 1940's and 1950's. The Ordinance Depot employed thousands of people during World War II and the Westland Area is only two miles to the west. Many enjoyed the rural living here, the quick and convenient access to places of work, and the short distances to services found in Hermiston. During the 1960's steady rural residential development took place in the area. Another boom period in the mid and late 1970's caused significant additional rural residential growth in the immediate area. The County has, since the early 1970's, planned and zoned the area for rural residential use, recognizing its great influence here.

Factors of Development and Commitment for Sub-Area A - Besides the non-

agricultural incompatibilities that surround the sub-area, the major factors of non-agricultural commitment are the non-agricultural classification of the soils and the lack of or high improbability of water for irrigation. A soils map and soil sheets (Attachment M) in the Appendix point to the fact that without water the soils are Class VII and considered non-agricultural for the purposes of Goal #3. With water the soils improve to a Class IV. However, letters obtained from the Westland Irrigation District Manager and State Watermaster for this district show that obtaining water for irrigation purposes is virtually out of the question (see letters, Attachment N in Appendix). Therefore, not only is Goal #3 impractical to apply to the sub-area, but also the limited number of rural residential dwellings allowed would be infilling and compatible with the existing adjacent non-agricultural activities. Parcel E (1.5 acres) is part of the subdivision along Agnew Road and really meets the "developed" criteria approved by LCDC on page 18-151. Goal #3 therefore cannot be applied to this "developed" parcel.

Description of Sub-Area B (Parcels F. G. H, I. J. K) - This sub-area is located south of Westland Road in the same general vicinity of sub-area A discussed above. The acreage involved here totals about 3 0 acres and involves six lots and three ownerships. The largest parcel is 10 acres and the smallest just under an acre. Parcels F, G, and H are under a single ownership (total land area only 3.8 acres), part of a subdivision plat approved in 1971, and are vacant. Parcels I, J, and K are 10, 8 and 8 acres. About half the area is in basic pasture; the other half is in riparian vegetation and steep slope banks of the Umatilla River. (Refer to Map 18-35).

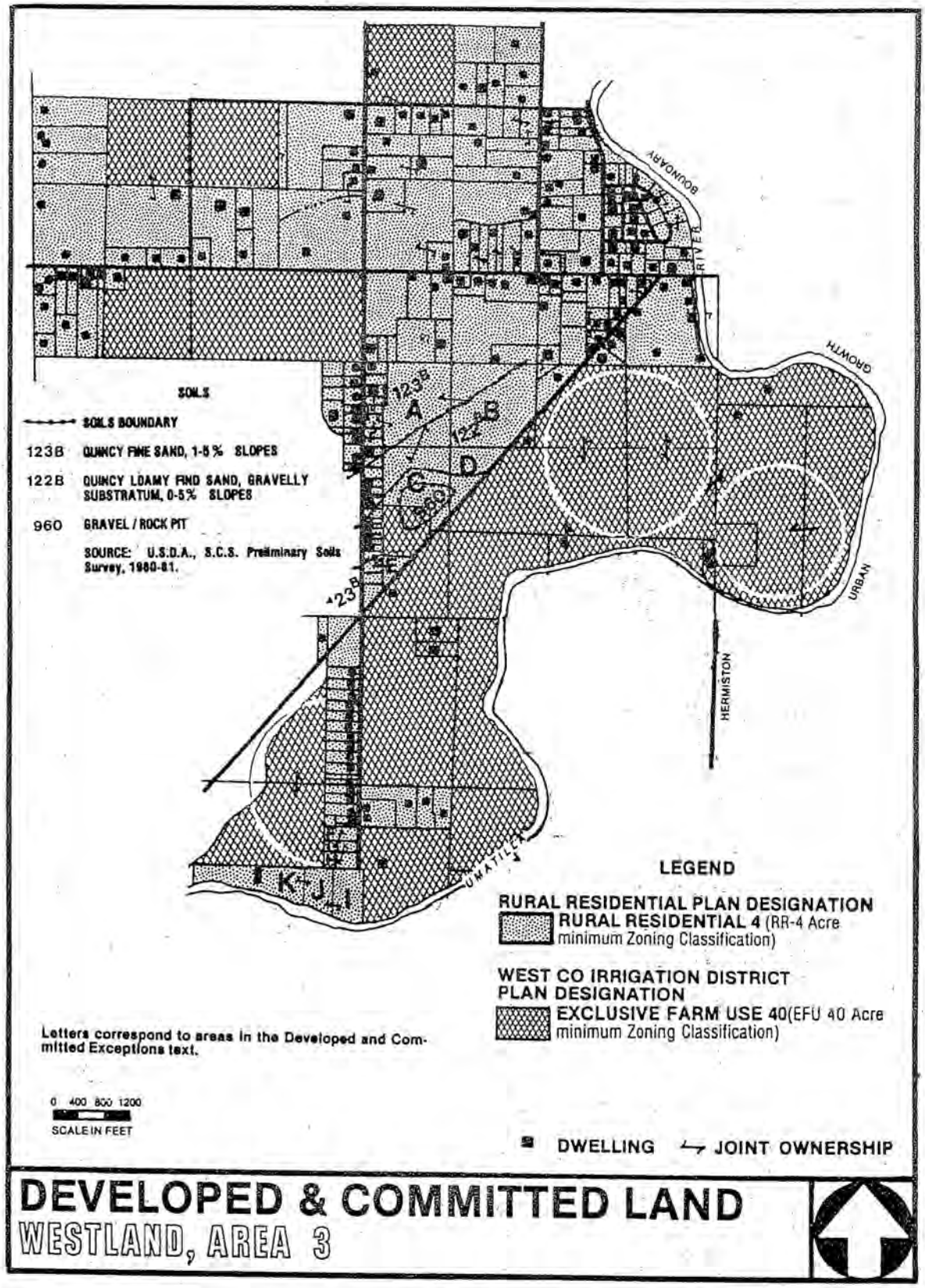
Development History of Sub-Area B and General Area - The same developmental history discussed for sub-area A earlier applies to Sub-Area B and the general area adjacent to it.

Adjacent Land Uses - North and northeast of parcels F, G and H are rural residential homes and lots. East of them is a 42 acre irrigated pasture and a dwelling. South is "committed" parcel I with a mobile home. Adjacent land uses to committed parcels I, J and K include: irrigated cropland to the north; "developed" rural residential parcels to the northeast; irrigated pasture land to the east; part farmland and part rural residential to the south (the Umatilla River is the actual south boundary and effectively buffers land uses to the south); to the west are undeveloped portions of property owned by an industrial company and planned and zoned for Light Industrial uses.

Factors of Development and Commitment for Sub-Area B - Parcels F, G and H are part of a subdivision approved back in the early 1970's. They are the last three southern lots that have not sold nor have been developed. Since they are adjacent to established and "developed" rural residential uses to the north and northeast, they really meet developed criteria #2 approved by LCDC on page 18-151. The County therefore concludes these parcels are "developed" to non-agricultural uses. Parcels I, J and K are committed for several reasons. First, the sizes of these lots are too small to be commercial or economic for most crops grown in the area, even if all the lots are combined into one ownership. Besides, only a little over 60% of the area is usable (15 acres) for agricultural purposes due to topography and the river vegetation. Alfalfa, wheat and pasture are the predominant agricultural activities in the area, all requiring much larger acreage (see

agricultural chapters in Comprehensive Plan, Technical Report and support letters in Attachment N of the Appendix). Secondly, with two dwellings on the property and developed rural residential uses to the northeast, the utilization of parcels I, J and K in conjunction with adjacent agricultural land to the north is doubtful with all of the incompatibilities that exist. The parcel to the north is circle irrigated, and what little land could be gained from incorporating the subject committed parcels couldn't be irrigated under the same system, and would not be economically feasible. Thirdly, the overall Westland area is a marginal farm area where very few full-time agricultural operators are found. The uncertainty of water and the developing character of the area are two additional contributing factors of agricultural impracticalities facing these parcels. Fourthly, the prescribed four acre density and small buildable area would only allow two to three additional dwellings in an area already impacted by rural residential homes. These additional homes would not have anymore of a negative impact upon adjacent agricultural land in the area than already exists at present.

Conclusion of Commitment - The small area involved, the ownership pattern, the marginal nature of agriculture in the greater Westland area, the adjacent incompatible land uses, the compatibility aspect of other similar development in the immediate area, all support a conclusion of irrevocable commitment to non-agricultural use.



XVIII-279A

Map 18-35 – Developed & Committed Lands, Westland Area #3 (XVIII-279A)

Area: Columbia-Diagonal Road (Area #4) (see Map 18-36).

Number of Parcels	824
Average Parcel Size	5.5 acres
Number of Dwellings	651
Largest Parcel	76 acres
Smallest Parcel	10 acres
TOTAL ACRES	4,549acres

Findings and Conclusions:

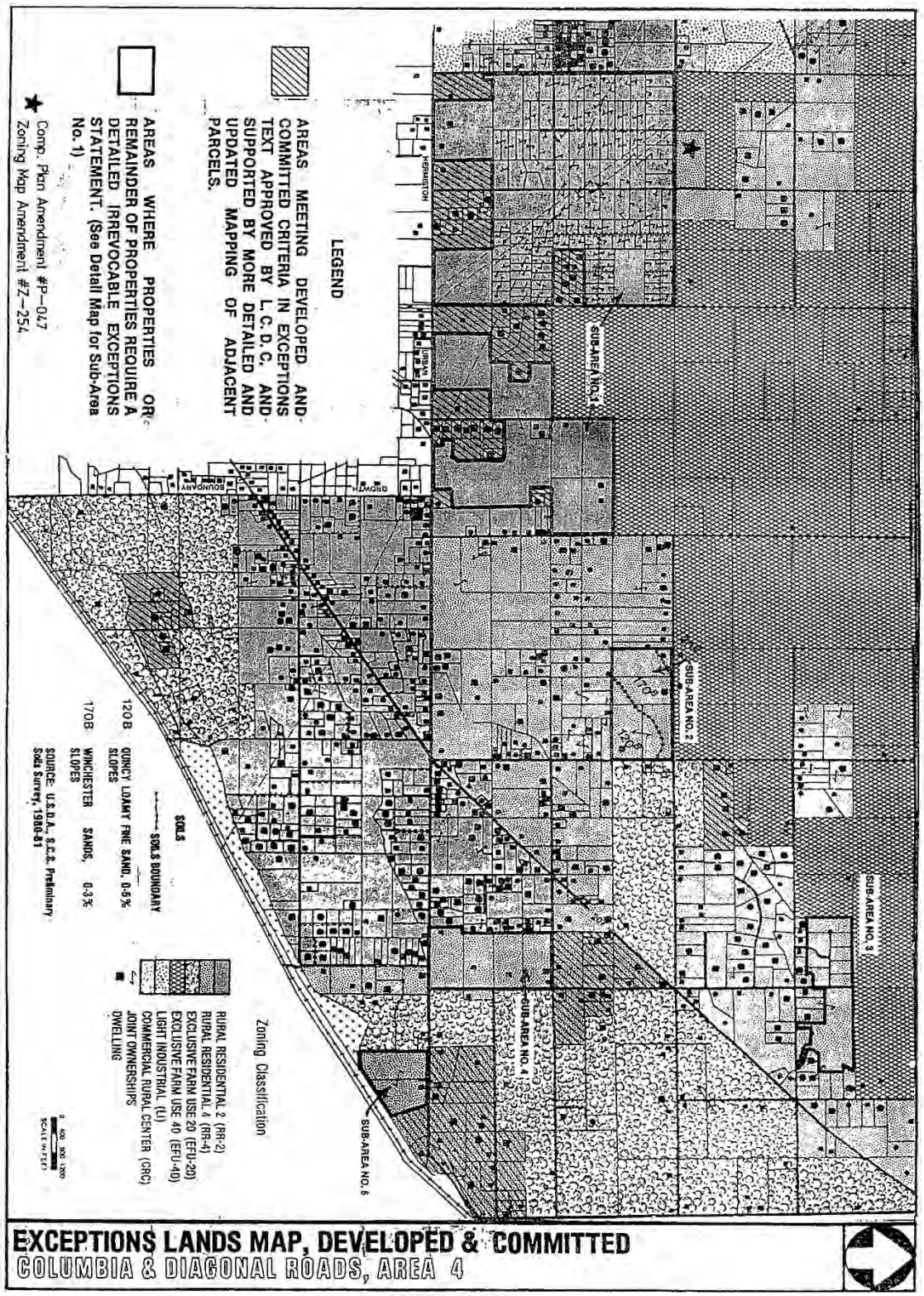
1. Classified as developed/committed land based upon very extensive rural residential home development and small lot divisions. Over 75% of lots are occupied by a home and the area contains three small lot subdivisions.

2. Area is considered marginal farmland. Nearly half of the undeveloped lots are vacant sagebrush areas with a class VII, non-agricultural soils classification. The other areas are in marginal pastures and in a few instances some hay fields (Soil Class IV Irrigated). Not only do the soils make farming difficult, but unreliable water supplies and delivery systems of the Hermiston Irrigation District add to the uncertainty, marginality and incapability of commercial farming.

3. A large majority of area has been zoned since 1972 for rural residential use and is served by county roads and easements or access. A major road plan has been adopted since 1979 to help in the orderly growth of and service to rural residential property owners.

ADDITIONAL JUSTIFICATION - The March 16, 1984, Continuance Order required the County to provide additional site specific information for certain areas within the Columbia-Diagonal Road Area to justify development and commitment to non-agricultural uses not provided in the general findings above. While the intent of this section is to comply with the Continuance Order instructions, the County feels that there are several areas large enough within the Columbia/Diagonal Road region which meet the developed/committed criteria approved be LCDC on pages 18-151-152, and that should have probably received approval based upon the findings and conclusions above. In other words, there appears to have been an error in reviewing the plan by the LCDC staff, or that a lack of detailed mapping led to their instructions of further justification under the "committed" exceptions rule. The acreage involved totals approximately 525 acres and is shown on the "Exceptions Lands Map, Developed and Committed" on Map 18-36.

Additional Justification for Committed Parcels - To provide the additional site specific justification of commitment to non-agricultural use of certain parcels in the Columbia/Diagonal Roads, Area #4, four sub-area reviews follow outlining the factors that conclude Goal #3 can no longer be practically applied.



XVIII-281A

Map 18-36 – Exceptions Lands Map, Developed & Committed, Columbia & Diagonal Roads, Area #4 (XVIII-281A)

Sub-Area #1 (Sagebrush/North Ott Roads) (see Map 18-36)

A. Basic Statistics

Number of Parcels	193
Average Parcel Size	5.1 acres
Number of Dwellings	38
Largest Parcel	76.3 acres
Smallest Parcel	10 acres
Existing Dwellings	40
Potential Homes	200
TOTAL ACRES	996.9 acres

B. Location - This committed sub-area is located north of Punkin Center Road, mostly between Sagebrush Road and North Ott Road. Punkin Center Road also forms the north line of the Hermiston Urban Growth Boundary. Sub-Area #1 is less than 1/2 mile north of the city limits of Hermiston and about two miles north of downtown Hermiston. Highway 395, the major north/south transportation link, is only 1/4 mile to the west. (See Exceptions Lands Map, Developed and Committed on Map 18-36and Sagebrush/North Ott Roads, Sub-Area #1, Map 18-37 for reference regarding the following exceptions statement).

C. Description and Development History of Columbia Area and Sub-Area #1- Settlement and development in these areas began in the 1910's and 1920's as part of the Hermiston Irrigation Project. This project originally envisioned large acreage of once dry sagebrush land of be converted into vast areas of irrigated farmland. Part of the vast canal system of this project traverses across the committed sub-area under discussion (see Map 18-37). The above project, however, could not support all lands in it due to lack of water. The parcels that were higher, elevated, and furthest away from the main water source (Cold Springs Reservoir) were dropped out as was the case for sub-area #1.

Rural residential and small hobby farm development began in the greater Columbia/Diagonal Road area during the early 1940's when the U.S. Army Ordinance was established, employing thousands of people from all across the country. Those who could afford it bought small acreage in the rural areas around Hermiston. The land in this area was basically undeveloped, and very few economic farm units had been established, mostly due to the sandy soils and the deficiency of applying water to this type of soil. This development pattern continued in the 1950's with the construction of McNary Dam bringing many more workers into the area. Some additional growth occurred in the 1960*s, but significant partitioning occurred throughout the 1970's when irrigation and related development stimulated additional job opportunities in the greater West County area. Today an extensive rural residential area exists northeast of Hermiston that stretches as far as four miles from the Hermiston city limits.

Sub-area #1 is on the outer fringes of the just-mentioned rural residential development pattern. There has been little farm or residential development of Sub-Area #1 for many years, and in fact several major utility lines had been constructed in the 1940s -1950s because the area was undeveloped with few obstructions and land improvements. Several hobby farms and dwellings have located along Punkin Center Road.

Rural residential development and planned rural residential development began in Sub-Area #1 during the mid-1960's and early 1970's. A few lots were partitioned north of

Punkin Center, mostly as a result of development stimulus occurring to the south and west. A major subdivision was approved in 1971 in the northwest portion of Sub-Area #1 in response to the development pattern occurring around the area to the south and west. (See Attachment P Appendix for history of approval and subsequent development attempts and improvements completed and planned for this subdivision).

In 1972 the county planned and zoned Sub-Area #1 for rural residential use, recognizing the existing and planned rural residential growth pattern and lack of agricultural development here. In the mid-1970*s additional areas were partitioned under county plan and development ordinance controls, along with the subsequent home development. An area to the north of Sub-Area #1 also during this time span incurred rural residential growth. The County's 1983 Comprehensive Plan attempted to recognize and obtain state acknowledgment regarding the non-agricultural development and its influences upon Sub-Area #1, but failed because of insufficient information to substantiate commitment according to applicable administrative rules.

D. Public Facilities and Services- Public facilities and services in and around Sub-Area #1 are excellent, having a wide variety of them and with extra capacities. Facilities include eight improved roads, perimeter and interior electricity lines, natural gas, and phone service (perimeter and interior lines). Service ¡ncludes police and fire protection, elementary and high school education, and bussing within the Hermiston School District. Plan policies and Development Ordinance standards have been designed to maintain and provide the mechanisms and/or actual public services and facilities when additional growth takes place (e.g. master road plan for Diagonal Road Special Study Area, public facilities and services policies, and analysis in Comprehensive Plan and Technical Report information). Also, several other events are taking place in or near the sub-area that will improve facility and service capabilities. First, a community water system is being planned to serve the large undeveloped subdivision in the northwest portion of committed Sub-Area #1. Second, a satellite fire station, only one mile to the east of Sub-Area #1, is planned for completion within a year or two which would vastly improve response times to the entire Columbia/Diagonal Roads area.

This sub-area, as with all rural residential areas in Umatilla County, will require septic tank/drainfields, and individual wells to dispose of sewage and obtain domestic water supplies. This area has not experienced any difficulties with septic tank approvals or obtaining domestic water supplies since records and permits have been required in the county since the early 1970's.

E. Boundary Description and Adjacent Land Use Analysis

1. West Boundary- Sagebrush Road forms the entire west border of Sub-Area #1. Most of the length on the west side of Sagebrush Road is an extensive development of rural residential homes intermixed with small vacant home lots. Well over 20 homes border the road along with a near full subdivision of 40 existing homes.

2. North Boundary- Another road (Baggett Land) serves as the first 1/2 mile of boundary in the northwest corner of Sub-Area #1. The rest of the north boundary consists of private but mostly publicly owned property. Most of the property

north of Sub-Area #1 is vacant sagebrush land. A small irrigation circle abuts up against the sub-area for about 1/8 of a mile in this locale. This is the only agricultural development that is adjacent to the entire 990 acre sub-area.

3. East Boundary- The east border is partly North Ott Road and partly private property lines. Twelve rural residential homes abut along the entire east border of Sub-area #1.

4. South Boundary- The south boundary is Punkin Center Road* South of this major collector road along the entire perimeter are 35 rural residential parcels and 40 existing dwellings.

5. Interior Existing Land Uses- Within committed Sub-Area #1 are scattered pockets of developed land totaling nearly 180 acres and representing over 18% of Sub-Area #1. Thirty-three dwellings and 39 parcels are involved. The remaining 800 plus acres are nearly all vacant land except for some 65 acres of irrigated pasture and alfalfa land also scattered throughout the sub-area. This farmed acreage represents only 7% of the total area within Sub-Area #1.

F. Factors of Non-Agricultural Commitment - Existing land uses, location, and ownership patterns dictate a further division of review within Sub-Area #1 for the purposes of proving non-agricultural commitment. Four areas within Sub-Area #1 have common characteristics permitting such an analysis. (See Sagebrush/North Ott Roads—Sub-Area #1 Detail Map on Map 18-37 for reference of the following discussion).

1. Area #1-Punkin Center Road - There are three committed parcels, each approximately 39 acres each, that are nearly equal distance from each other and separated from one another by developed rural residential land uses. These parcels are labeled A, B and C on Map 18-37. Parcels B and C are vacant. Parcel A has two existing dwellings and approximately 25 acres of it is irrigated alfalfa.

The influence of existing rural residential housing and the numerous small individual ownership lot patterns adjacent to these three committed parcels create incompatibility problems and nullifies consolidation opportunities. Parcel A is adjacent to developed/committed parcels meeting criteria approved by LCDC at the beginning of this exceptions statement. The parcels involved are 17.5 acres and 18 acres (both with dwellings) to the east and west; three two acre parcels and two 15 acre parcels with five dwellings to the south in the Hermiston Urban Growth Boundary, and vacant parcels of 2, 2, 5 and 19 acres to the north, whose commitment justification follows in a latter section. Parcel A is then totally surrounded by developed and/or committed non-agricultural uses with a total of 8 rural residential dwellings adjacent to it. In this situation, long-term agriculture is highly unlikely. Besides, 25 acres of alfalfa is definitely not a commercial farm unit based on numerous testimony at public hearings to identify economic farm units. Intensive crops which do not exist in this area (mostly due to lack of market) would even be more impractical because of the sensitive nature of herbicide/pesticide application drift problems involved in areas such as this, where residents and related improvements could be adversely affected or damaged (opinion of Luther Fitch, Extension Service Agent, Hermiston Agricultural Experiment Station, personal interview, May 1983). Parcel B is nearly the

exact situation as parcel A with developed/committed and totally surrounding it. This parcel is vacant, however, and has a major electrical transmission line and a local electrical line running randomly through it. These lines create some difficulties for most types of farming by breaking up the land into separate fields, making equipment movement, planting, and irrigating more difficult. This, coupled with the uneconomical parcel size and adjacent non-agricultural uses and parcels on all sides (five dwellings near or adjacent) are the main reasons of commitment to non-agricultural activities, and also several of the reasons why the land is vacant today. The owner has also indicated that the cost of obtaining water is too prohibitive and uncertain for such a small sized parcel. Water is not available from the Hermiston Irrigation District because of the threat of a critical groundwater ordinance upon the area. Unfortunately, the State Water Resources Department will neither confirm nor deny this possibility. Without water, the land cannot be put into any form of economical crop; and then the soils remain non-agricultural (Class VII). The above, along with the interferences on the land, and with adjacent non-farm uses application of Goal 3 to this parcel (as far as the owner and county are concerned), is not practical. Parcel C, as with the other two parcels under discussion, is bounded on 2 1/2 sides by developed/committed land meeting criteria approved by LCDC on page 18-151-152, but apparently not enough data was originally presented to gain commitment approval. The county has provided that data showing commitment. To the south are seven rural residential lots within the acknowledged urban growth boundary of Hermiston that contains nine dwellings. (Thirteen dwellings surround parcel C). Parcel C is also vacant. The cost of making improvements to put the land into production would be impractical, considering the fact that the land would have to be irrigated (involves drilling a well and buying expensive pump and irrigation system equipment), and this large expense would be extremely risky on a parcel size which is suspect for economical returns for the usual farm crops grown in the area and that is totally surrounded by incompatible land uses. Future availability of irrigation water is also an uncertainty as mentioned earlier for parcel B. Again, without water the land is useless for commercial agriculture purposes and has an agricultural suitability of Class VII or a non-agricultural soil.

Another factor of non-agricultural commitment applicable to all three committed parcels above is that the potential rural residential development allowed on three parcels (approximately 13 dwellings) is limited by numerous utility/irrigation canal easements and corresponding building restrictions, and this type of development would most clearly be compatible with adjacent and existing rural residential development in the area. With the acknowledged Hermiston Urban Growth Boundary to the immediate south (with its existing dense non-agricultural development), the near non-existent agricultural activities and non-existence of commercial agriculture adjacent to them (for reasons earlier described), and the actual development within sub-area into rural residential uses under the local perception of these parcels being in a non-agricultural area with 12 years of rural residential planning and zoning, are additional factors leading to a neighborhood or regional characteristic of non-resource commitment.

2. <u>Area #2 (Culp/North Ott)</u>

Area #2 totals 190 acres, involves six tax lots and five ownerships. These six parcels

are labeled D through I on the "Developed/Committed Land" Map 18-37. Parcels D, E, G and H are vacant, undeveloped properties. Parcel F has one dwelling, several accessory structures and a yard/garden area. The rest of parcel F is undeveloped. Parcel I has two dwellings and improvements similar to parcel F.

Parcel D has over 50% of its area in non-agricultural soils. Information on Sagebrush-North Ott Roads, Sub-Area #1 map and the map and soils sheets in Attachment Q of the Appendix indicated a Class VII rating, even if water were available to the property, which it is not. Since no exception has to be taken for lands predominately non-agricultural, and considering that there is developed, non-agricultural uses (six rural residential homes) on 2 1/2 sides of parcel D, the county concludes that parcel D is not only a non-agricultural piece of property, but irrevocably committed to non-agricultural use. Subsequent rural residential development on parcel D would also be compatible with adjacent non-agricultural activities to the west, south, southeast and northeast. Residential development on parcel D would also not have any greater negative impact upon the canal 158 acre parcel to the north than the existing nine dwellings bordering along its south boundary now.

Parcel E is 76 acres and in common ownership with parcel D described above. It, like parcel D, is vacant, a large open irrigation ditch cuts diagonally across the parcel effectively dividing it into two separate areas of approximately 33 acres and 43 acres. The entire parcel slopes toward Punkin Center Road and has dips and rolls throughout it.

Parcel E is impractical to apply Goal #3 to for several reasons. The most compelling reason is the incompatible development found along three sides of it consisting of 20 rural residential dwellings and 24 lots--over 90% of them smaller than five acres and the rest between 5 and 10 acres. It is impractical and risky to start developing the parcel for commercial agricultural purposes because of the negative impacts it would have upon these adjacent non-agricultural land uses. Normal farming practices of spraying, operating equipment at all hours of the day, blowing debris into field crops from non-farm homes, dust and noise associated with agricultural activities and the like would not be tolerated. Secondly, the soils on parcel E are Class VII without irrigation or classified as non-agricultural according to State Planning Goal #3. If water were available or obtainable, the soil classification improves to Class IV, a marginally productive soil. However, the likelihood of water is very questionable. There are no water rights from the Hermiston Irrigation District, nor will there ever likely be for some time in the future. This, according to a phone interview with Jimmie Bevans, Manager of the Hermiston Irrigation District, is because there is no extra capacity within the district to serve large parcels of the size of parcel E in this locale. Irrigation wells in the area are, as already mentioned, threatened with strict regulation and even cancellation in the future. Unfortunately, the State Water Resources Department will neither confirm nor deny this possibility. This unknown still, nevertheless, casts considerable doubt; and property owners are very reluctant to invest many thousands of dollars in drilling for water sources to irrigate when they may not be able to use the investment. (Parcel E is certainly not large enough nor possesses soil qualities that would support economical crops that are dryland farmed). Therefore, the uncertainly of water for irrigation, the present non-agricultural soil classification,

the parcelization and non-agricultural development on three sides and irrevocably committed land on the remaining side, all meet State Administrative Rule requirements of proving land to be impracticable for the application of Goal 3 and irrevocably committed to non-agricultural uses.

Parcels F, G, H and I are very similar and shall be treated as one area for purposes of showing irrevocable commitment. The area involved here is 77 acres in four 20 acre parcels under four separate ownerships. These four parcels have existed for many years, predating planning and zoning laws first established in the County in 1972. Factors of non-agricultural commitment include similar justification as the previous sub-areas (lack of and uncertainty of water for irrigation, Class VII non-agricultural soils, adjacent non-farm development and compatibility issues) except that in addition, topography and physical constraints effectively eliminate these parcels' use for commercial agricultural purposes. The physical barriers involved are large open irrigation ditches that cut through two of the parcels (G and H). Undulating topography on Parcels G, H and I and to a lesser degree on parcel F further add to the impracticalities of farming this area. The parcel sizes, to begin with (20 acres), are marginal sizes; but with these two situations, the potential fields sizes are reduced in half (10 acres), and in several instances to as small as five acres. The shapes of these potential fields are also irregular and narrow and useless for most farm equipment normally used. Clearing of Locust and Russian Olive trees on several of the parcels and land leveling would be expensive additional costs to get the land into production. Consolidation of any of these parcels is virtually impossible and/or impractical due not only to the physical undesirabilities in this area, but also because expensive improvements (dwellings, accessory structures) would have to be purchased. The above factors are overwhelmingly conclusive of the impracticalities of farming the area. These factors are the very reasons why the land has not been in production for many, many years. One last fact of commitment is that the limited development that could occur on these parcels (15) would certainly be compatible with the 10 existing rural residential dwellings to the east and south, and would not have any impacts upon the unused vacant land to the west and north. The county then, for all the above reasons, has shown that the Goal #3 can no longer be applied to parcels F, G, H and I in Sub-Area #1.

3. Area #4 (Landover Hills Area-Area J)- Area J depicted on Map 18-37 contains nearly 480 acres and 131 parcels owned in six ownerships. Most of the area (420 acres and 128 parcels) belongs to four landowners equally divided among them. This largest area is known as the Landover Hills Development. It is by far the largest area considered for commitment and takes up 42% of the area within Sub-Area #1. A history of parcelization (mostly a platted subdivision) infrastructure improvements, along with an aerial photo and map, and expert letters of testimony are contained within Attachment P & Q in the Appendix. However, it should be noted here that the existing and planned public facilities and services have or will have capacity to meet the expected additional growth.

The most pertinent fact of irrevocable commitment to non-agricultural uses or impracticality for long-term agricultural activities is that the land has so many roads, utilities and irrigation ditches criss-crossing it, and has such a diversity of topography

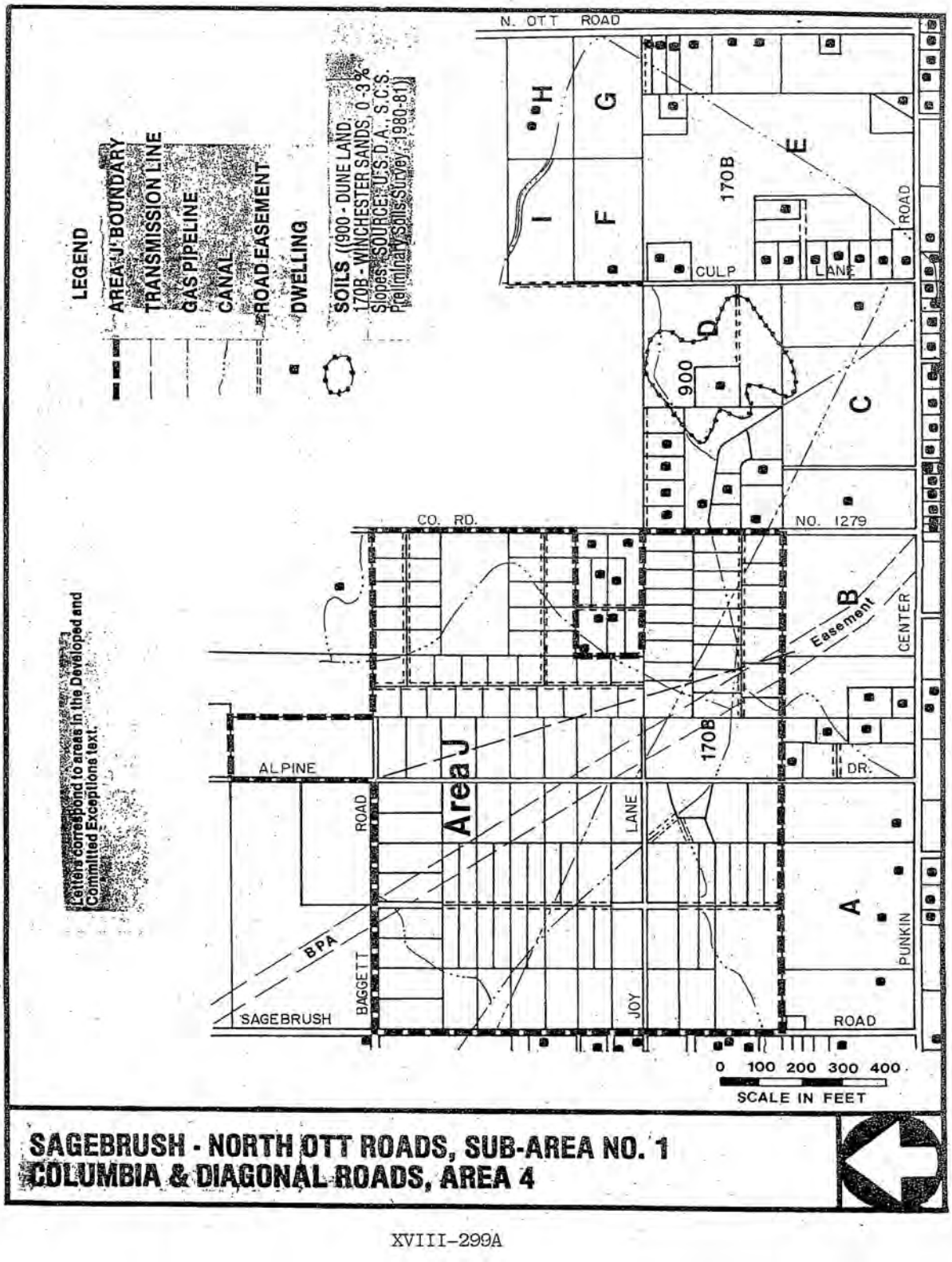
from rolling hills to depressions, that it can never be utilized as an economic farm unit. Written testimony from an adjacent farmer (see Attachment P in Appendix) substantiates this fact and indicates that he would not be interested in this property for even consolidation purposes with his own operation. The same farmer also states that the soils are course blow sand and can only be made productive if irrigated, and specifically by center-pivot systems. Such systems are not possible for reasons previously given.

The soil within the Landover Hills area is classified as a non-agricultural soil or Class VI without irrigation and a marginal farm soil or class IV with irrigation, according to preliminary soil survey information of 1980 by S.C.S. To further substantiate the poor quality of the soil is a letter from an agronomist, which concludes that most of the soil is very sandy, requiring the addition of expensive fertilizers and other nutrients. Other portions of the property have rocky soils that could cause growth problems with bulb or tuber type crops (potatoes) grown in the area.

Several other facts are offered in the letter outlining why the soils and other external factors here make agriculture impractical (see Attachment P in Appendix).

Unavailability of surface irrigation water and the possible curtailment in the future of sub-surface irrigation water by the State Water Resources Department further drives home the point that the land is and will continue to be impractical to use for agricultural purposes. Confirmation by phone from the manager of the Hermiston Irrigation District explains that no ditch water rights apply to this area, and that further availability of such sources is highly improbably because the district is running at capacity now. Previously discussed has been the non-commitment of the State Water Resources Department to indicate one way or the other whether irrigation from wells would be restricted or allowed. This is certainly a big uncertainty and adds to the county's justification of the impractical nature of the area for existing and future agricultural use.

The last factor of irrevocable commitment that applies to area #4 within Sub-Area #1 is that the eventual non-agricultural development that would be allowed would be compatible with existing land uses in the area. There is a very dense rural residential development pattern to the west and scattered pockets of similar development on the south. Also, a significant area of developed rural residential homes borders along the southeast half of this area. Along the north and northeast borders are lands predominately vacant and mostly publicly owned. Their future agricultural use is highly unlikely for many of the same reasons given in the exception statement. In fact, for such a large area as this is (having nearly three miles of border) there is only about 800 feet of developed and economically definable agricultural land bordering it. Therefore, the county concludes that the Landover Hills Area, if allowed to develop into rural residential uses as planned, would most definitely be compatible with nearly the entire three miles of bordering properties.



XVIII-299A

Map 18-37 – Sagebrush, North Ott Roads, Sub-Area #1 and Columbia & Diagonal Roads, Area #4 (XVIII-299A)

Sub-Area #2 (Walls/Craig Road)
(see Map 18-38)

A. Basic Statistics

Number of Parcels	4
Average Parcel Size	19.1 acres
Number of Dwellings	3
Largest Parcel	19.5 acres
Smallest Parcel	.18.5 acre
Existing Homes	3
Potential Homes	12
TOTAL ACRES	76.5 acres

B. Location - Committed Sub-Area #2 is situated on the south side of Walls Road basically at the southwest intersection of Walls and Craig Roads. Hermiston is approximately 2 1/2 miles to the southwest. Diagonal Road (State Highway 207), the major arterial
road in the area, is one mile to the south.

C. History. Description and Parcelization- Development history of this sub-area is nearly the same as described for Sub-Area #1 previously reviewed. Hobby farming and rural living patterns in the greater Diagonal Road area during the 1950's to date have advanced up to and including Sub-Area #2. Sub-Area #2, in other words, is on the outer edge of this type of non-agricultural development.

The major development stimulus in the immediate area of Sub-Area #2 occurred in the late 1960's and early 1970 's. Land to the east and south and southwest was partitioned down into lot sizes of between 5 and 10 acres. The impetus of development that occurred on these properties led to an eventual County Comprehensive Plan amendment to a "Rural Residential" designation in 1976 and subsequent rural residential home zoning. Sub-Area #2 was included within the plan and zoning designations because it, like the rest of the area, had rural homes developed on marginal lands and soils and did not have any agricultural improvements (e.g. irrigation, cropping or pasturing). Also, this small corner (Sub-Area #2) was bordered on two sides by improved county roads and made a logical and distinguishable plan and zoning boundary where rural development could be contained and could use these available roads accesses and existing utilities along them.

D. Public Facilities and Services- Adequate services and facilities are now and can be made available to Sub-Area #2. The two county maintained graveled roads (Walls Road, Craig Road) are adequate to handle the small increase in traffic volumes if the four parcels within Sub-Area #2 are developed out to maximum density. County police and rural fire protection are also provided to the sub-area. School facilities in Hermiston are adequate and will provide education needs to this sub-area because it is within the Hermiston School District and along established bus routes. Septic tank/drainfields will be the means to dispose of sewage and wells will provide domestic water supplies. Conditions in the area, and based upon past development experience, shows that the addition of 12 or so more homes would have no trouble in obtaining approvals. (See Sub-Area #1 "public Facilities" discussion and Chapter J for more detailed report on availability and conditions of facilities and services).

E. Boundary Description/Existing Land Use

1. North- Two 39 acre irrigated fields border across Walls Road. One of these parcels has two existing dwellings; the other is void of housing. A rotation of crops occurs usually in alfalfa, wheat, corn, potatoes and sometimes

watermelons on these two irrigated and generally level parcels.

2. East- A small rural residential lot and home and two parcels in pasture (15 acres and 19 acres) border on the east side. Both parcels in pasture have dwellings.

3. South- Seven dwellings on seven lots bound on the south side of Sub-Area #2. Six of the lots are five acres and less and the seventh is nine acres. This is only a small area of the extensive rural residential development in the general vicinity.

4. West- A narrow two acre rural residential lot with a home abuts the west side of Sub-Area #2. This lot is only one of seven other small rural residential lots with homes along Walls Road going west 1/2 mile to the intersection of North Ott Road.

F. Factors of Irrevocable Commitment to Non-Agricultural Uses - The influence of ten existing rural residential homes along the south and west borders of Sub-Area #2 will cause incompatibilities with farming activities, should they be started within Sub-Area #2. Intensive agricultural practices would have
to be applied (e.g. irrigation, cultivation, fertilizing, etc.) in order to receive any reasonable monetary returns; and the opportunity to do this is virtually impossible or highly uncertain. Along with the incompatibilities (e.g. dust, noise, litter and debris blowing in form adjacent non-resource parcels, fertilizer spray drift) that would be encountered with such practices upon the adjacent non-farm residents, the opportunity and practicality of obtaining water to irrigate lends to the uncertainty aspect here. Three of the four 19 acre parcels here do not have water rights from the Hermiston Irrigation District, nor will they ever likely receive any water due to the District's tight water supply (according to phone interview with Jimmie Bevans, Hermiston Irrigation District Manager). Only one of the 20 acre parcels has a ditch water right and the owner has never exercised his right which could be taken away in the future, if ruled that the water was needed elsewhere by the Hermiston Irrigation Board of Directors. Future availability of underground water sources for irrigation are extremely uncertain as discussed in Sub-Area #1. State cut-off of irrigation wells or the restriction on new ones do not place the owners of these parcels in any position to spend tens of thousands of dollars to drill a well and then have it shut off. Besides, the parcel sizes are very marginal now to be an economical unit; and with the presence of the already mentioned non-agricultural uses, the risks are just too great to invest in costly irrigation systems. With the improbabilities of water for irrigation, the soils remain a Class VII or non-agricultural according to State Planning Goal #3 (see information on the Exceptions Lands
Map 18-36, and soils sheet in Attachment Q in the appendix). Should the above scenarios about lack of irrigation water prove true, detailed committed exceptions would not be necessary, and this sub-area easily declared non-agricultural.

The second point of non-agricultural commitment relates to compatibility. Additional rural residential homes would be an extension of the same type of non-agricultural development pattern to the west and south. The impacts of a few additional rural residential homes upon lands to the north and east would be negligible, and no more of a negative influence than the presence of existing rural residential

dwellings along the other sides of them. A conclusion or irrevocable commitment for Sub-Area #2 in the Columbia/Diagonal Roads area is substantiated by the innumerable conflicts with adjacent existing non-farm development, the present lack of and high improbability of water in the future for irrigation purposes, the non-agricultural status of the soils without water, and the overall compatibility of Sub-Area #2 with adjacent non-agricultural lands.

Sub-Area #3 (West Locust Road)

A. Basic Statistics

Number of Parcels	10
Average Parcel Size	7.6 acres
Number of Dwellings	0
Largest Parcel	4 acres
Smallest Parcel	3.8 acres
Existing Dwelling Units	0
Potential Dwelling Units	20
TOTAL ACRES	77 acres

B. Location - Sub-Area #3 is located on the north side of West Locust Road, about 3 1/2 miles northeast of Hermiston. Diagonal Road (State Highway 2 07) is only 1/8 mile to the east which is the main arterial rod for most of the Columbia/ Diagonal Road area (see Exceptions Lands Map, Developed and Committed, Map 18-38).

C. Development History and Description – Sub-Area #3 has had a similar development history as has the overall Columbia/Diagonal Roads area earlier reviewed. The development here, however, has been more recent, with much of the immediate area to the south and east being partitioned or subdivided into rural residential lots and homes in the early and mid-1970's. Some additional development or infill of these adjacent lots has also occurred since the late 1970's and early 1980's. Presently there are 12 dwellings and 16 small rural residential lots bordering on the south and east sides of Sub-Area #3. Recognizing the impacts of non-agricultural development upon Sub-Area #3, the county included this sub-area as irrevocably committed to rural residential use and zoned for infilling of homes in August 1983. Since this time (August 1984), a nine lot subdivision has been approved for the west 38 acres of Sub-Area #3. The east 41 acre parcel is undeveloped.

D. Public Facilities and Services - Electricity and roads have been installed and constructed which serve all nine lots within the subdivision mentioned above called "DWD" Subdivision. The interior roads meet county standards for rural development; and Locust Road, from which the interior roads connect, is a paved county road. The 41 acre parcel has electricity service readily available located at its northwest corner. Several road rights-of-way is on the west parcel line that connects with West Locust Road to the south, and is also designed to fit into the road system within "DWD" Subdivision. About 1/8 mile to the east is another road right-of-way which will also serve future interior lots of the 41 acre parcel. Police and fire protection and school services are also as readily available here as thev are throughout the Columbia and Diagonal Roads area.

E. Boundary Description and Adjacent Land Use Analysis

1. West Boundary- A private property line forms the west border of Sub-Area #3. The 29 acre parcel on the west side is irrigated and usually cultivated (alfalfa and sometimes for wheat crops). The property is under single ownership and is a nice hobby farm. It is currently zoned EFU for buffering purposes and at the request of the property owner.

2. South Boundary- Currently 11 dwellings and 13 rural residential lots border along the south parcel lines of Sub-Area #3. The sizes of the lots vary from one acre to five acres in size.

3. East Boundary- Three residential dwellings and five small lots abut up against the east border of the 41 acre parcel in Sub-Area #3. Three additional

rural residential dwellings and lots are just east across Golda Road from these residences.

4. North Boundary- Two 79 acre tracts under separate ownerships are found to the north of Sub-Area #3. Both tracts are irrigated. One tract is almost entirely cultivated (alfalfa); the other has approximately 20 acres of non-cultivated land, leaving the remaining 59 acres in alfalfa.

F. Factors of Non-Agricultural Commitment
The west 37 acres of Sub-Area #3 is a partially improved subdivision. Overhead electric lines and underground phone lines have been installed as well as the interior roads. These infrastructure improvements which have been approved via the county's regulations makes the parcel no longer useable for farming because they cut across the property, creating interferences for normal farming practices and farm equipment movement. Of additional significance is the presence of a well-established and negatively impacting rural residential development to the south and southwest. Spraying, farm equipment noise and dust associated with farming practices are incompatible with the non-farm residents and their activities in the immediate area. Complaints and lawsuits are common in these situations, making long-term agricultural use impractical. For this reason, and that considerable expense and improvements have occurred for the eventual development of a nine lot subdivision, are the two compelling reasons why Goal 3 can no longer be applied to this portion of Sub-Area #3.

The eastern 41 acres of Sub-Area #3 are irrevocably committed because of the numerous restrictions and problems with existing rural residents on the south and east sides. The eventual development of the committed DWD Subdivision to the west will further restrict the normal use of this parcel for agricultural purposes by having three sides bordering non-agricultural uses. Expert testimony from the landowner and an unofficial opinion from a Umatilla County Land Appraiser further substantiates that Goal 3 can no longer be practically applied here because of the many physical difficulties of farming the land (e.g. rock soils, low topography, ponding of water—see letters in attachment P of the appendix). This factor, coupled with the above incompatibility problems, conclusively renders this 41 acre tract in Sub-Area #3 impractical for application of Goal 3.

Sub-Area #4 (Edwards/East Punkin Center/East Columbia Roads)

A. Basic Statistics

Number of Parcels	5
Average Parcel Size	15.8 acres
Number of Dwellings	6
Largest Parcel	20
Smallest Parcel	5
Existing Dwelling Units	6
Potential Dwelling Units	8-10
TOTAL ACRES	79 acres

B. Location - Committed Sub-Area #4 lies mostly between East Columbia Road (north), Edwards Road (east), and East Punkin Center Road (south). The city limits of Hermiston is 3 1/2 miles to the southwest. (See Exceptions Lands Map, Developed and Committed, on Map 18-38).

C. History. Description and Parcelization- Rural living and hobby farming characterize this sub-area as well as most of the Columbia/Diagonal Roads area. (See discussion under Sub-Area #1 for more details of overall development history). The parcels under discussion in Sub-Area #4 have existed for many years, having no record of ever being partitioned as far back as 1968. On the west side of Sub-Area #4, several tracts of similar sizes (19 acres) were partitioned into two and five acre tracts in the early 1970's. The same parcelization pattern during the same time period occurred across Punkin Center Road to the south of Sub-Area #4. Rural residential lots of 9 to 16 acres with dwellings are to the north and northeast, having been in hobby farm/rural residential use and sizes since the 1960's and probably even earlier. Inclusion of Sub-Area #4 into a rural residential plan and zoning designation were for about the same reasons as discussed in Sub-Area #2 (parcel sizes marginal for commercial agriculture, existing residences, good road access with available utilities).

D. Public Facilities and Services - Facility and service availability is nearly identical for this sub-area as with any other rural residential area in the Columbia/Diagonal Roads areas--good and having excess capacities. It should be noted that road access is very good here, with Punkin Center Road and Edwards Road being paved, county maintained roads.

E. Boundary Description/Existing Land Use

1. North and Northeast- Developed and committed rural residential land meeting criteria approved by LCDC listed earlier in this rural residential exception bounds Sub-Area #4 in these locations. Three parcels (18,16,1.3 acres) with three rural residential/hobby farm dwellings are more specifically the actual land uses bordering Sub-Area #4 here. Just to the north of these adjacent rural residential parcels are more numerous rural residential homes and lots (9 homes, 7 lots).

2. East- Is a mixture of rural residential, marginal farmland and one farm parcel bound on the east side. The farm parcel is 95.6 acres. The marginal or questionable economic farm is 34 acres. A 3.4 acre rural residential lot with a dwelling completes the inventory of land uses to the east.

3. South and Southeast- Five rural residential homes on five lots abut against the south border of Sub-Area #4. One parcel is 14 acres; the other four range in size from two to five acres.

4. West- A very concentrated rural residential development pattern exists to

the west. There are 14 dwellings on 12 lots ranging in sizes from one acre to five acres.

F. Factors of Irrevocable Commitment to Non-Agricultural Uses - Parcel sizes, existing development, and individual ownership patterns define Sub-Area #4 as hobby farms with little chance of consolidation into economic farm units. The actual size of the area used for pasture is smaller than the actual property owned because a main line irrigation and drainage ditch cuts through Sub-Area #4, dissecting the land into separate units. The middle two 19 acre lots are also hilly, which further breaks up the land into even smaller areas. The result is significant portions of Sub-Area #4 are not useable for farm purposes, and what is used is small and incidental. In other words, the area has not or will never be an economic farm area.

Another factor of irrevocable commitment is the dominant non-agricultural influence of existing rural residential homes bounding Sub-Area #4 on three sides and partially on the fourth. Over 20 homes border this Sub-Area. Eventually, the pressures of existing development and the infill of additional homes in the immediate area will influence the sale of these incidental small pastures for similar non-agricultural uses.

One other factor of commitment to non-agricultural use is that the limited infill allowed by zoning and topography constraints within Sub-Area #4 would be minimal and compatible with adjacent land uses. Only the east side is agricultural oriented, and even the parcels involved here already have developed rural residential uses adjacent to them to the east. The limited additional homes that would be sited along this side would be no more of an impact than already exists.

Sub-Area #5 (Messenger Property)

A. Basic Statistics

Number of Parcels	2
Average Parcel Size	20.2 acres
Number of Dwellings	1
Largest Parcel	20.5 acres
Smallest Parcel	20 acres
Existing Dwelling Units	1
Potential Dwelling Units	6-7
TOTAL ACRES	40.5 acres

B. Location - Committed Sub-Area #5 is found on the south side of the East Punkin Center Road, approximately between the Edwards Road and Tabor Road intersection with East Punkin Center. Hermiston is approximately four miles to the southwest. (See "Exceptions Lands Map-Developed and Committed," Map 18-38).

C. History, Description and Parcelization- The Messenger property is on the outskirts of the Hermiston Irrigation District project and also on the outer fringe area of the rural residential and hobby farming development, characteristic of the majority of the Columbia/Diagonal Road area. These two 20 acre parcels have been owned by the Messengers for over 20 years. They have testified that they are recently retired people from occupations other than farming, which is characteristic of hobby-farming people. The overall parcelization pattern is also typical of rural residential/hobby farm development. North across East Punkin Center Road is a 120 acre area of 20 lots and 18 rural residential homes. On the east are two rural residential lots of eight and five acres, one having a dwelling. Most all of these lots and homes have been partitioned and developed in the 1950's and 1960's with a few divisions and homes occurring in the 1970's.

D. Public Facilities and Services - All the basic facilities and services are available here as they are to all of the other developed/committed lands discussed earlier. Included are electricity, phone, TV, paved county road (East Punkin Center), police and fire protection and available school facilities.

E. Boundary Description/Existing Land Use

1. North- Developed rural residential homes and lots of 1.5 to 10 acres are along the north side of the Messenger property. These homes exist here.

2. East- One rural home and two small lots are located on the east side. The lots are five acres and eight acres in size. These lots meet the "developed" rural residential criteria.

3. South- The Union Pacific Railroad and right-of-way forms the south border. This border is higher topographically than the north border. Topography plus the wide railroad right-of-way forms an effective visual barrier as well as efficient buffer from the commercial agricultural activities south of the railroad.

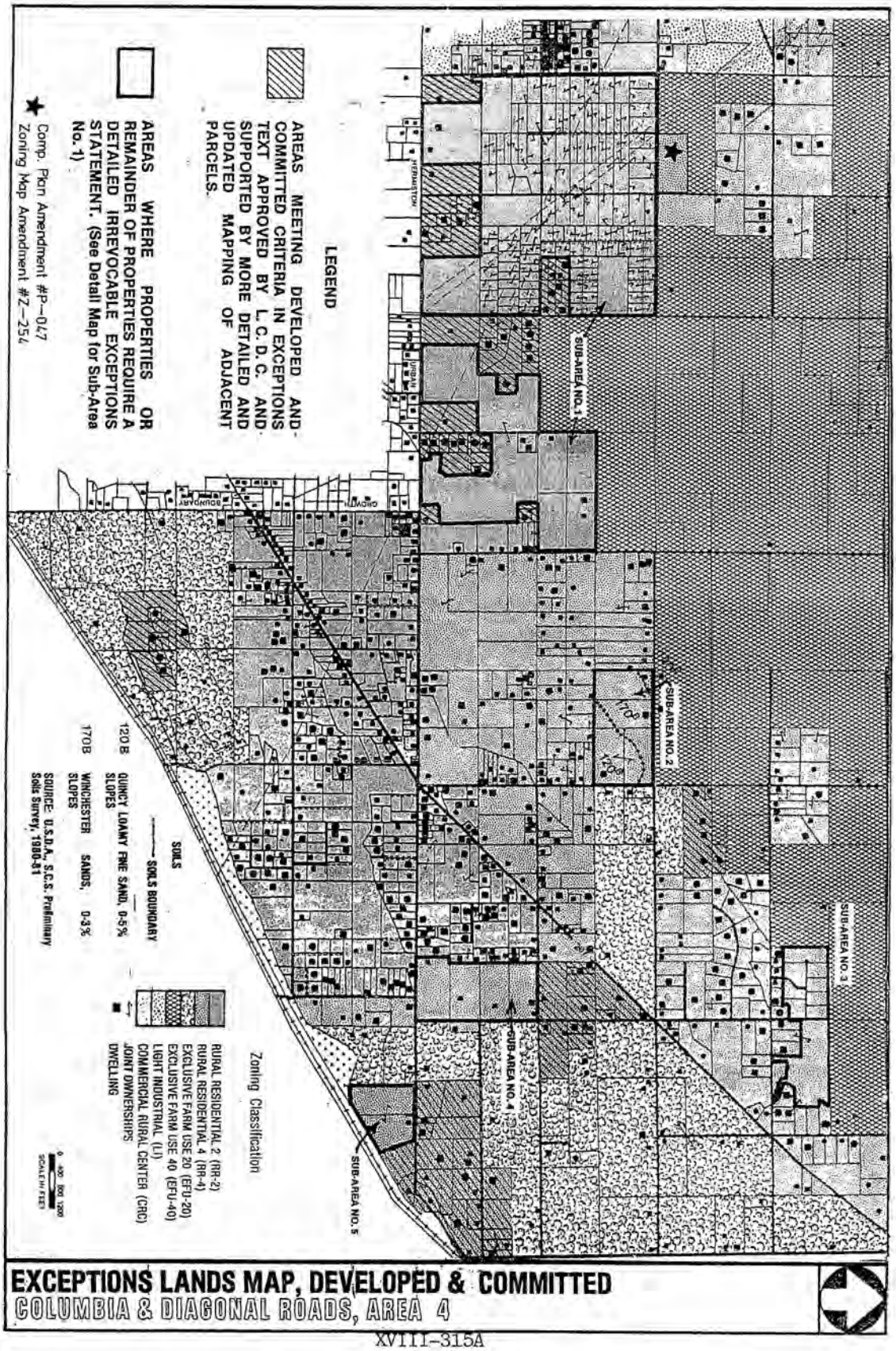
4. West- Two hobby farms of 15 to 29 acres border on the west side. These parcels are irrigated pasture and cropland. They are designated in the Special Agricultural designation with a 20 acre minimum lot size. If there were more adjacent non-agricultural uses and if the quality of the soils were worse, they too would be considered committed to non-agricultural use.

F. Factors of Irrevocable Commitment of Non-Agricultural Uses - There are several factors that make long-term agricultural use

of this property impractical. The first factor involves physical constraints of the area to agriculture. The land slopes quite steeply from south and north, making the application of irrigation water extremely difficult. The water runs off and ponds up towards the north and northwest; and because of this, the owner has received numerous complaints from adjacent rural residential property owners to the north and west (see letter, attachment GG in Appendix). The nature of the soil, topography and water table also creates a situation where only about eight acres is tillable, and the rest has to remain in permanent grass pasture. According to written testimony from the owner and adjacent neighbors, these sizes are not economical sizes for normal agricultural crops and/or activities. Only a few head of cattle could be supported on the pasture land; and again, the owner has testified by letter that he has not made any profits from any of the 20 years owning and working the land.

The second factor of non-agricultural commitment is the detrimental influence of rural residential homes to the immediate north and east. Not only are there complaints about ponding water, but other disputes involving flies, mosquitoes and noise. All of these add up to creating negative pressures and incompatibilities upon an already marginal, hobby-farm area. There are just too many interferences to continue any long-term, stable agricultural enterprise here, even if it were practical—which it has been shown not to be practical.

The last element of irrevocable commitment involves the compatibility issue. The limited number of homes allowed six by the zoning would not impose incompatibilities in the area because on two sides exists rural residential homes, and on the third side is railroad land buffered by topography, creating an effective barrier from agricultural land to the south. The two marginal farm parcels to the west will not be anymore impacted by several additional rural residential homes than which already exist now. There are five rural residential homes on the west side of these two parcels at present (see Map 18-38).



Map 18-38 – Exceptions Lands Map, Developed & Committed Columbia & Diagonal Roads, Area #4 (XVIII-315A)

Area: Minnehaha (Area #5)
(see Map 18-39)

Number of Parcels	105
Average Parcel Size	6 acres
Number of Dwellings	90
Largest Parcel	26 acres
Smallest Parcel	25 acres
TOTAL ACRES	637 acres

Findings and Conclusions:

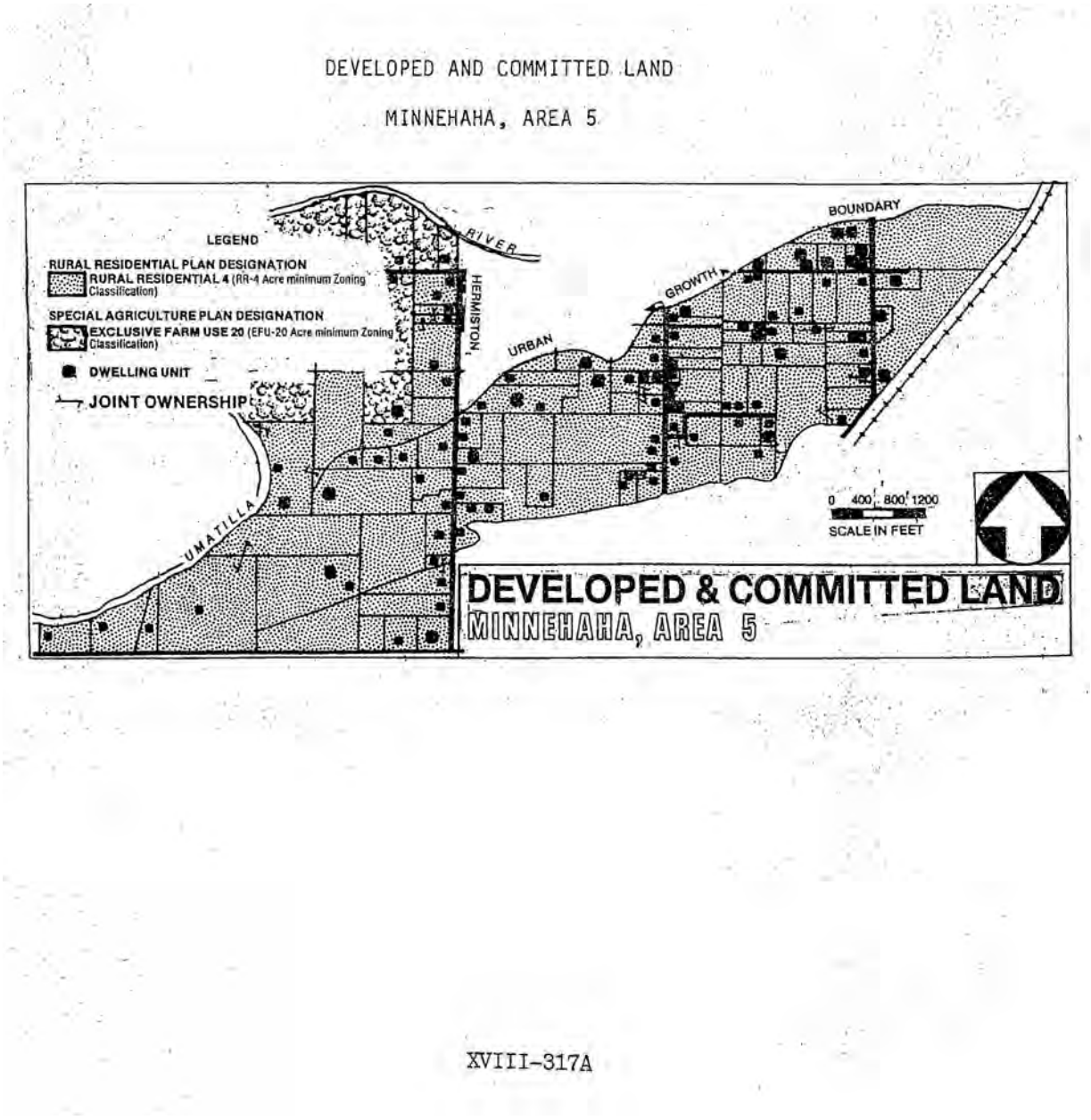
1. Area meets developed/committed, non-agricultural lands category for reasons of rural residential development and small parcel sizes. Over 85% of parcels are under separate ownerships.

2. Soils in area have better agricultural capabilities than most West County areas (Class III Irrigated, Class VI Non-Irrigated); but with extensive non-farm development, small lot sizes and less than reliable irrigation delivery, Minnehaha has developed into a rural residential area with only a scattering of small hobby farms.

3. A rural residential plan and zoning designation has been in effect for this area since 1972, reflecting the residents' use of their property and the use that was predominant at that time.

4. Use of remaining undeveloped land for rural residential fits into overall land use patterns (e.g., Hermiston Urban Growth Boundary to the north, rural residential uses to the west).

Other existing uses and quasi-public ownerships (industrial uses and railroad company lands) buffer Minnehaha from agricultural land to the south. 5. Area has several good county roads which form a very good transportation network for existing and potential rural residents.



Map 18-39 – Developed & Committed Lands, Minnehaha, Area #5 (XVIII-317A)

Area: Loop Road (Area #6)
(see Map 18-40)

Number of Parcels	28
Average Parcel Size	4.3 acres
Number of Dwellings	24
Largest Parcel	20 acres
Smallest Parcel	5 acres
TOTAL ACRES	116 acres

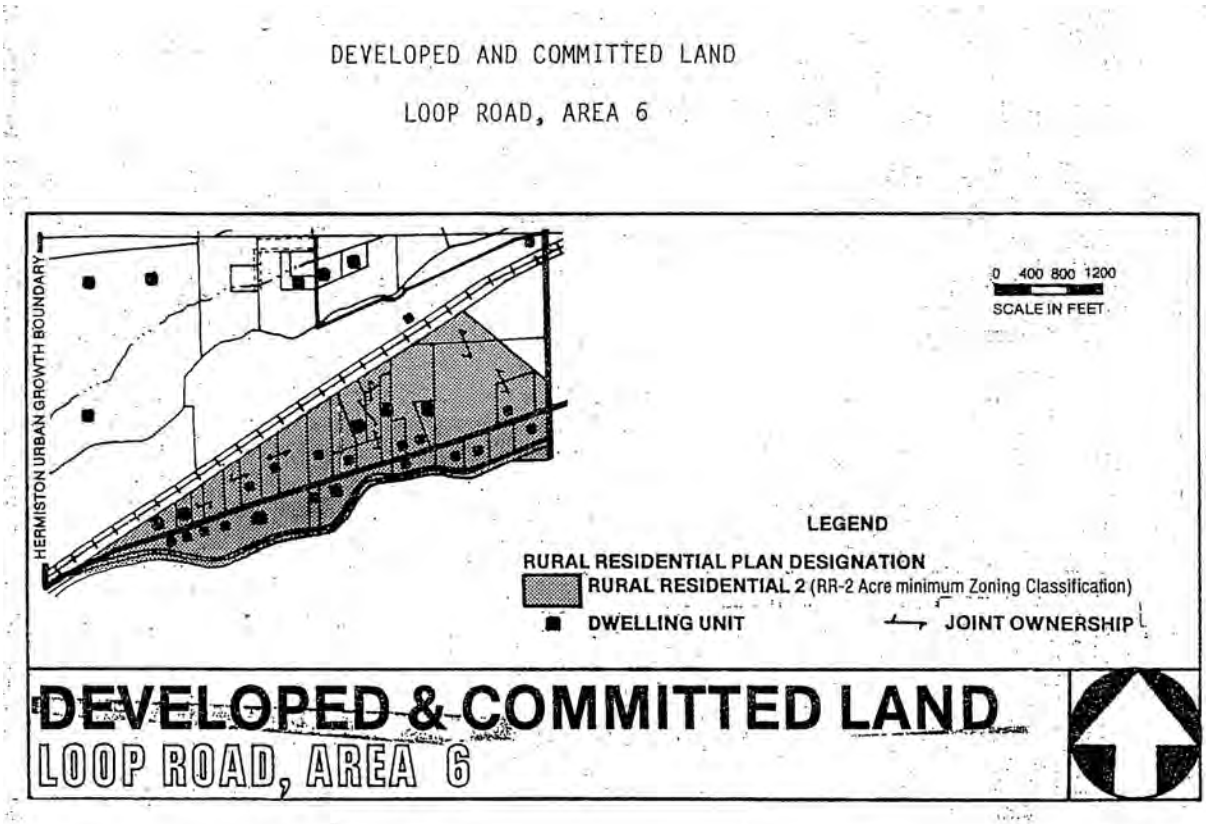
Findings and Conclusions:

1. Size and number of lots along with many rural residential homes places area into a non-agriculture, developed and committed category.

2. While soils are very good for agriculture (Class II Irrigated), the majority of the area is rural residential associated with small irrigated pastures supporting horses and a variety of other livestock.

3. Lands to the north and west are also developed into rural residential use, thus compatible with each other. Commercial agricultural to the east and south are buffered by an irrigation canal and roads. Confined area with limited expansion capabilities also will assist in keeping rural residential and farming activities conflicts at a minimum.

4. For many years and since 1972, rural residential uses and zoning have been in effect on the parcels. These two factors along with previous findings are all reflective of non-agricultural use or commitment to this type of activity.



Map 18-40 – Developed & Committed Lands, Loop Road, Area #6 (XVIII-318A)

Area: Hat Rock (Area #7)
(see Map 18-41)

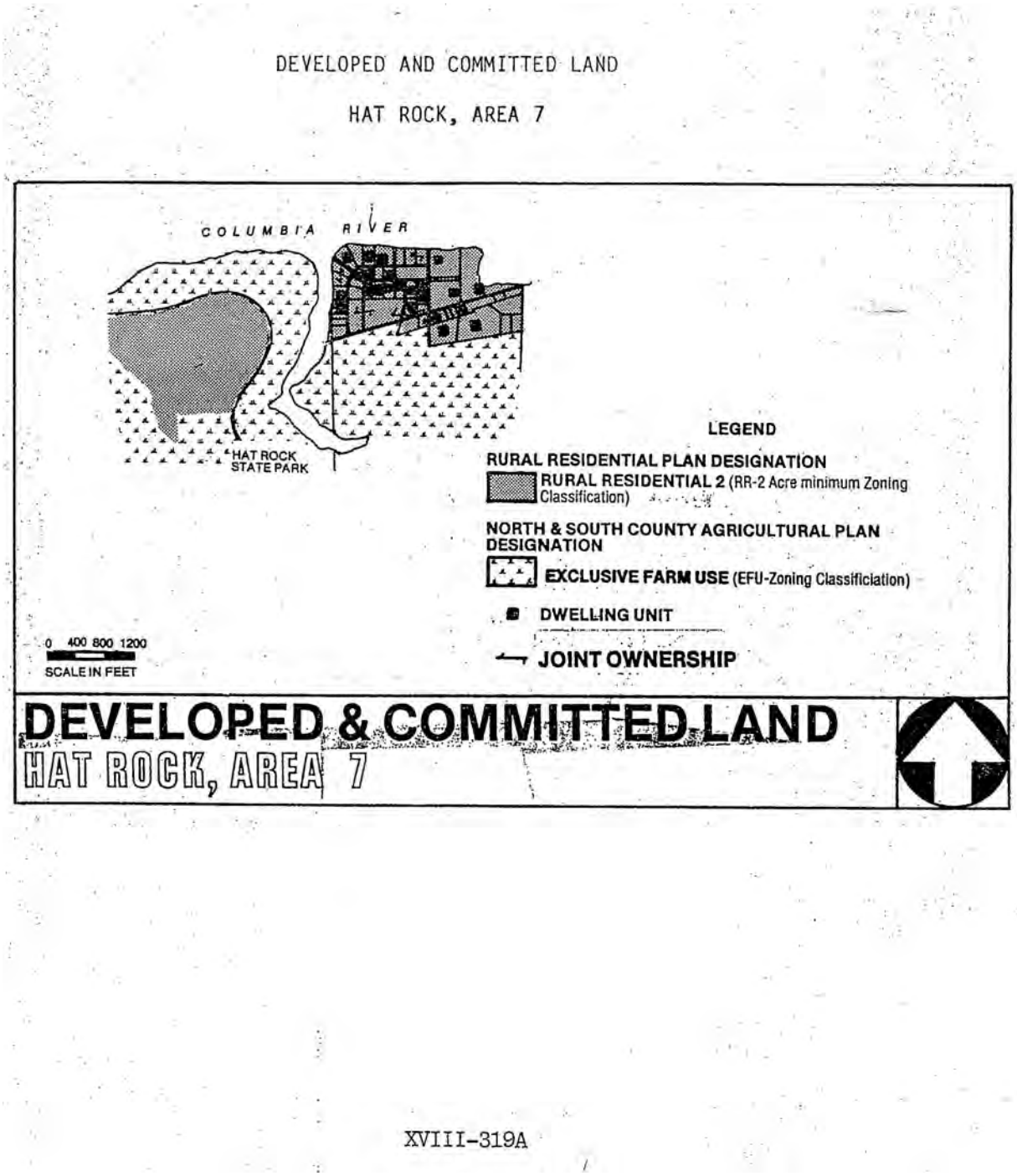
Number of Parcels	60
Average Parcel Size	1.25 acres
Number of Dwellings	20
Largest Parcel	5.92 acres
Smallest Parcel	.25 acre
TOTAL ACRES	75 acres

Findings and Conclusions:

1. Existing subdivision and a few adjacent parcels with occupied rural residential homes qualify area as developed/committed land.

2. Long-standing use of and planning for rural residential development further substantiate commitment to this non-agricultural activity.

3. Subject lands and surrounding area has had very limited agriculture use (seasonal grazing due to the poor soil capabilities for farming Class VI). Very limited development opportunities due to small lots and rocky soils will therefore not impact the very marginal agricultural land nearby.



Map 18-41 – Developed & Committed Lands, Hat Rock, Area #7 (XVIII-319A)

Area: Kik Tracts Special Treatment Area #1)
(see Map 18-42)

Number of Parcels	4
Average Parcel Size	15 acres
Number of Dwellings	0
Largest Parcel	54 acres
Smallest Parcel	1 acre
TOTAL ACRES	68 acres

Findings and Conclusions:

1. Selected because of general lack of agricultural soils.

2. Parcels are located near other parcels meeting non-resource criteria and recommended for rural residential use (Hat Rock Tracts).

3. Predominant soil types of property have capability ratings of Class VII and Class VIII (80%, 5% respectively), both Class VII and VIII being nonagricultural soil.

4. Nearly all of subject area as well as most land adjacent to the north and west never been cultivated and sparingly grazed due to shallow soil depths and low annual rainfall.

5. Plan designation of Rural Residential would not remove quality agricultural land.

6. Residential planning and zoning of parcels since 1972 has recognized their very limited or no farm value and compatibility with other adjacent residential development.

7. Soils map and interpretation sheets are attached to support factual base of non-agricultural soil status (see Attachment S in Appendix material).

DEVELOPED AND COMMITTED LAND

KIK TRACTS, SPECIAL TREATMENT AREA 1



XVIII-321A

Map 18-42 – Developed & Committed Lands, Kik Tracts, Special Treatment Area #1 (XVIII-321A)

Area: Kennedy/Woods Area

Total Acres 103.98

Finding 1 The County previously has found an insufficient number of parcels available for rural residential use in Umatilla County based on the percentage of land within each rural land classification. Similarly, the addition of the Kennedy/Woods 104 acres will allow for an additional ten, 10 acre lots, which neither significantly add to the supply of large rural residential lots, nor diminish the supply of farm land.

The Kennedy/Woods property is unique in that it has physical constraints that make it ill-suited for productive agricultural use. It is constrained on four sides by the physical boundaries of Ott Road to the west, the "A" line canal on the north, Canal Road on the east and the railroad tracks and associated right-of-way on the south. As a result, the site is very narrow ranging in width from approximately 50 feet where the site fronts on Canal Road to 800 feet at its widest point. Approximately 50% of the length of the site is less than 700 feet wide. The property is on a hillside and in some places is too steep for machinery. In other places, there are natural springs which create runoff and standing water, causing problems for equipment.

According to the former owners of the property, the current owners of the property, an area farmer who has been approached to farm the site, and others, most of the subject property is unsuitable for farming. The lack of an adequate water supply for irrigation is also an issue.

The site is bounded on approximately about 75% of the site by residential exception lands that are committed to non-resource uses. Locating rural residential areas adjacent to areas where commercial farming is not planned, will allow the continuation of the most economic management practices for resource production.

Finding 2 The land inside the UGB's whether or not it is Hermiston, Pendleton or other cities in Umatilla County are not designed to accommodate larger lot rural residential development and are discouraged by administrative regulations. The 10 acre lot is considered by the State to be a rural level of development and should not be placed inside the Urban Growth Boundaries where land has been relied upon to serve eventual urban needs.

Finding 3 Exception areas were created when Comprehensive Plans were being adopted statewide and there were areas at the fringe of cities that were not being planned for urbanization, agriculture, open space or forest use. In Umatilla County these areas were primarily built and committed to non-resource land uses and serve as rural communities and rural services centers. The exception areas are highly parcelized and occupied with single family homes.

There are five residential exception areas within 1 mile of the Hermiston UGB. The commercial and industrial exception areas were excluded because conversion of them to rural residential use would have resulted in the need for a Goal 9 exception and a loss of employment opportunity. Therefore, commercial and industrial exception areas should not be considered as alternatives and have not been analyzed. The average parcel size would require assembly of multiple lots, and the removal of homes to accommodate the desired 10 acre lots. When the exception areas were acknowledged, they were created because of their inability to contribute to

either the urban land base or the resource base. Since their initial identification and designation, further parcelization has occurred making their suitability for development even less likely. Finally, the density of uses on the existing rural residential subdivisions cannot be increased without taking a Goal 14 exception.

Finding 4 The subject site is not productive farm land, whereas other irrigated and more isolated land is more appropriate for the EFU designation. Moreover, no land zoned EFU in Umatilla County can be rezoned RR – 10 without also receiving approval for an exception. The subject site was selected due to its size, low agricultural productive value, proximity to developed rural residential lands and to avoid disrupting large parcels of productive farm ground located in remote areas away from incorporated areas and existing developed and committed areas.

Finding 5 The other areas that would require an exception are other resource areas. Because this site is a very low productivity resource farming site, the impacts of converting it to a non-resource use are less than at other farming locations

Environmental: One of the reasons that the site is not appropriate for farming is because of the close proximity to a significant number of homes. The ability to use the site for farming is limited, in part, because of the potential objections by nearby residents of the use of fertilizers, potential dust and noise pollution. By converting the site to ten acre homesites, the potential for impacts related to commercial farming are reduced.

The proposed rezone and Goal 3 exception within the Stage Gulch CGWA will not significantly impact groundwater on the property or on nearby properties for the reasons discussed below. The surface waters presently available on the properties may be better applied to help the overall surface and groundwater supplies by better application of the existing surface water availability which will help enhance overall water supplies.

Some of the property has a relatively high water level resulting from onsite springs and seepage from up-gradient sources. While the exact origin is unknown, the source is most likely a result of up-gradient irrigation between Hermiston and Stanfield, seepage from the USBR canal, and other natural flows of water within the Cold Springs drain of the Umatilla Basin.

The small quantities of water used for a domestic well will not significantly affect the existing surface water rights. The Kennedy proposed Water Certificate allows for approximately 253 acre fee per year. On the assumption that a domestic well would use .7 acre feet per year that quantity could support approximately 360 homesites. The development in this area of six to ten domestic wells, even if all shallow, would not have a significant impact on the surface water rights. The use of small groundwater based supply systems for individual household wells, spread out on minimum ten acres lot sizes increases the water resource base and provides the greatest opportunity for minimum environmental impact on all aquifers.

The availability of surface waters on the Kennedy and Wood property are somewhat unique to the Hermiston rural area and make the properties one of the far better candidates for rural residential development by keeping within the goals of the rural residential zone as well as the other county goals and policies for residential development by minimizing impacts to the existing water base.

Economic Impacts: Because the site has been demonstrated to be unsuitable for commercial farming activities there are no adverse impacts on the economy.

Finding 6 The rural residential use proposed for the property is compatible with the rural residential uses located to the south and a portion of the northern properties which are also used for rural residential uses. In fact, the proposed rural residential use is more compatible with these uses than the existing EFU use for the reasons stated above. As no public services are necessary to serve the proposed use, the impacts to adjacent properties are minimal.
Finding:

The proposed residential development is necessary to satisfy the market demand for housing generated by the economic activity in the area, primarily inside Hermiston. The market demand proven in the record, is not just a market demand for "housing", but a demand for rural uses in farming and livestock on small ten acre parcels in association with housing and residential uses. There is a shortage of properties in the range of ten acres for owners who desire to pursue agricultural uses in conjunction with their residential uses on smaller tracts without making the much larger expenditure necessary for land that is in larger tracts and are better suited for commercial agricultural use.

The term "farm use" in Goal 3 allows for a wide spectrum of related farm uses. However, the Comprehensive Plan Statement allows for the weighing of less productive farm land with more productive farm lands, and discourages the needless conversion of valuable farm lands. The property is not high value farmland, and oral and written testimony demonstrates that it is not valuable from a commercial standpoint. The site is surrounded on 75% of its border by property either in the Urban Growth Boundary or/used and zoned as rural residential development. It's narrow and unusual shape, the presence of a high water table and proximity to residential uses, make it less valuable than other high value, more isolated, and more physically appropriate farm land.

(Ord. 2006-19, passed December 6, 2006)

CENTRAL COUNTY DEVELOPED/COMMITTED RURAL RESIDENTIAL EXCEPTIONS

Employing the same criteria used in the West County area yields the following developed/committed lands analysis and figures table. Developed/committed lands in the Central County area are located mainly around Pendleton, with minor acreages near Pilot Rock. Again, descriptions providing justification for classifying these lands developed/committed, along with maps showing parcels and homes, follows.

CENTRAL COUNTY
DEVELOPED/COMMITTED STATISTICAL DATA

AREA	SIZE (total acres)	EXISTING DWELLING UNITS	BUILT ACRES	BUILDABLE ACRES	ADDITIONAL. DWELLING CAPACITY
l*Rieth	65	61	55*	10*	10*
2 **Wildhorse	92	19	38	54	27
3**Tutuilla	40	8	16	14	7
4 **Pilot Rock	123	11	22	101	50
5**McKay	637	246	492	145	73
Subtotal	957	345	623	324	167
Griggs	26	0	0	026	6
6*** Fldcrest	6 97	16	73++	24	
7***Sparks	14	5	14++	0	0
8***Cargill	77	0	36**	36	9
9***Malcolm	13	1	9	2	2
Subtotal	227	22	135	88	23
Grand Total	1,184	367	758	412	190

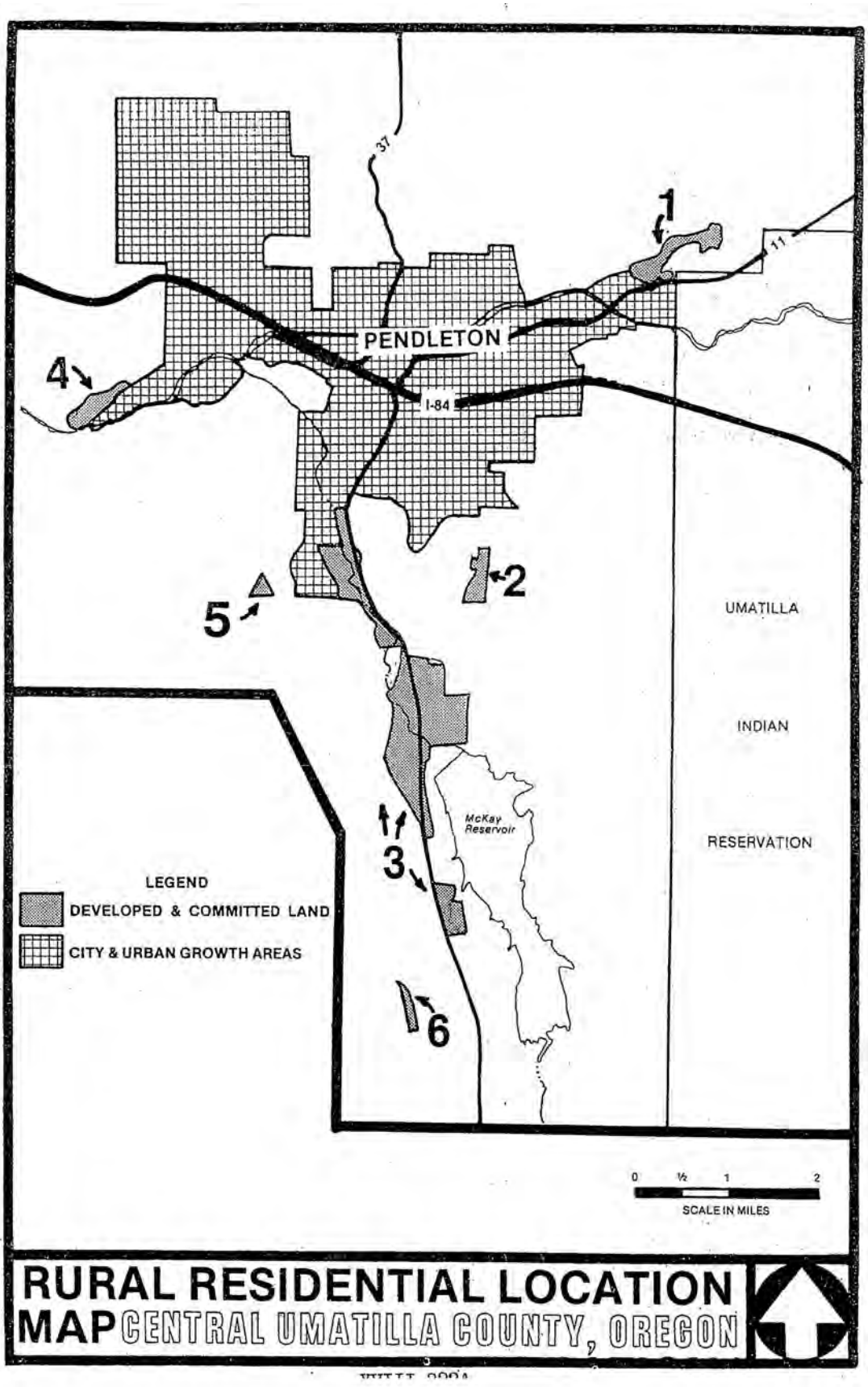
* Area #1 figured on a one-acre density. Consists mostly of the unincorporated area of Rieth that includes very small platted lots. Vacant lot analysis and usable areas were conducted to obtain "buildable areas" and "arirfitinnai dwelling capacity" figures.

** Areas 2, 3, 4, 5 are figures at a two acre density.

*** Areas 6, 7, 8, 9 are figures at a four acre density.

++ Built acres are adjusted and figured mostly on a vacant lot basis because of the prevalence of subdivision lots in these areas.

Table 18-3 – Central County Developed/Committed Statical Data



Map 18-43 – Rural Residential Location Map, General Umatilla County, Oregon (XVIII-322A)

Area: Wildhorse Creek (Area #1)
(see Map 18-44)

Number of Parcels	20
Average Parcel Size	4.6 acres
Number of Dwellings	19
Largest Parcel	16 acres
Smallest Parcel	.77 acre
TOTAL ACRES	92 acres

Findings and Conclusions:

1. Parcelization, separate ownerships plus rural residential development places area into a non-agricultural category.

2. Area is located in proximity to other non-farm uses and associated interferences. In particular, the City of Pendleton's Urban Growth Boundary with suburban-type uses is being developed immediately north of these parcels.

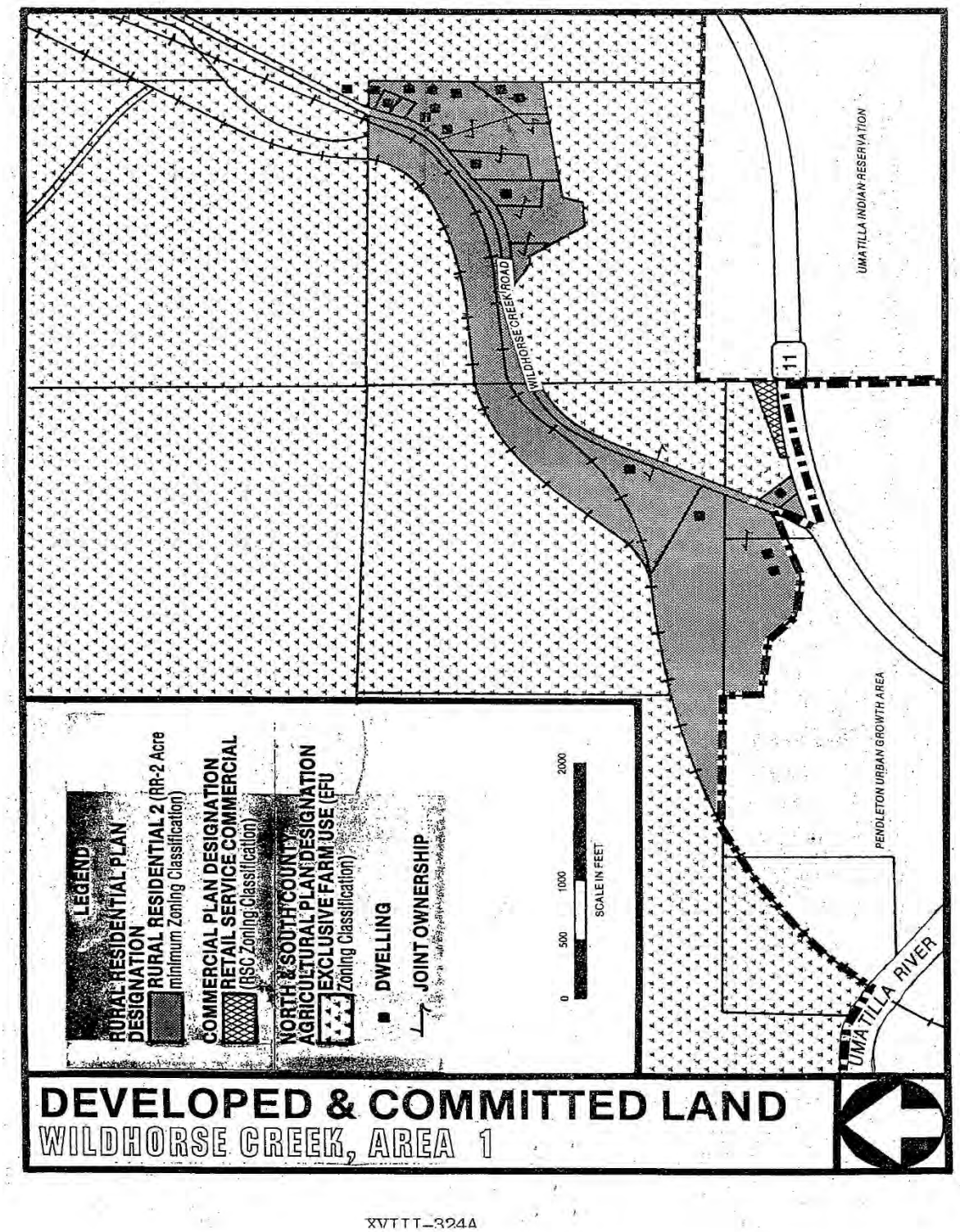
3. Area is in limited agricultural use even though portions of land contain Class III soils. Topography, shallow soils, and narrow or constricted land area due to roads and Tutuilla Creek all make profitable farming virtually impossible.

4. Lay of land and small area involved will not create serious incompatibility problems with nearby agricultural land. Steep slopes and creek flooding will likely further restrict rural residential development assuring compatibility.

5. Rural residential development has been the predominant use for many years and rural residential zoning applied to parcels since 1972.

6. The area is served by a paved county road, and electricity which should adequately serve both the existing and potential rural residential families.

7. Narrowness of area should not require interior service roads; thus minimal demand upon county funding is anticipated.



Map 18-44 – Developed & Committed Land, Wildhorse Creek, Area #1 (XVIII-324A)

Area: Tutuilla Creek (Area #2)
(see
Map 18-45)

Number of Parcels	10
Average Parcel Size	4.0 acres
Number of Dwellings	5
Largest Parcel	11.27 acres
Smallest Parcel	3.9 acres
TOTAL ACRES	40 acres

Findings and Conclusions:

1. Small lots, under separate ownerships, identify parcels as non-agricultural land developed and committed to rural residential uses.

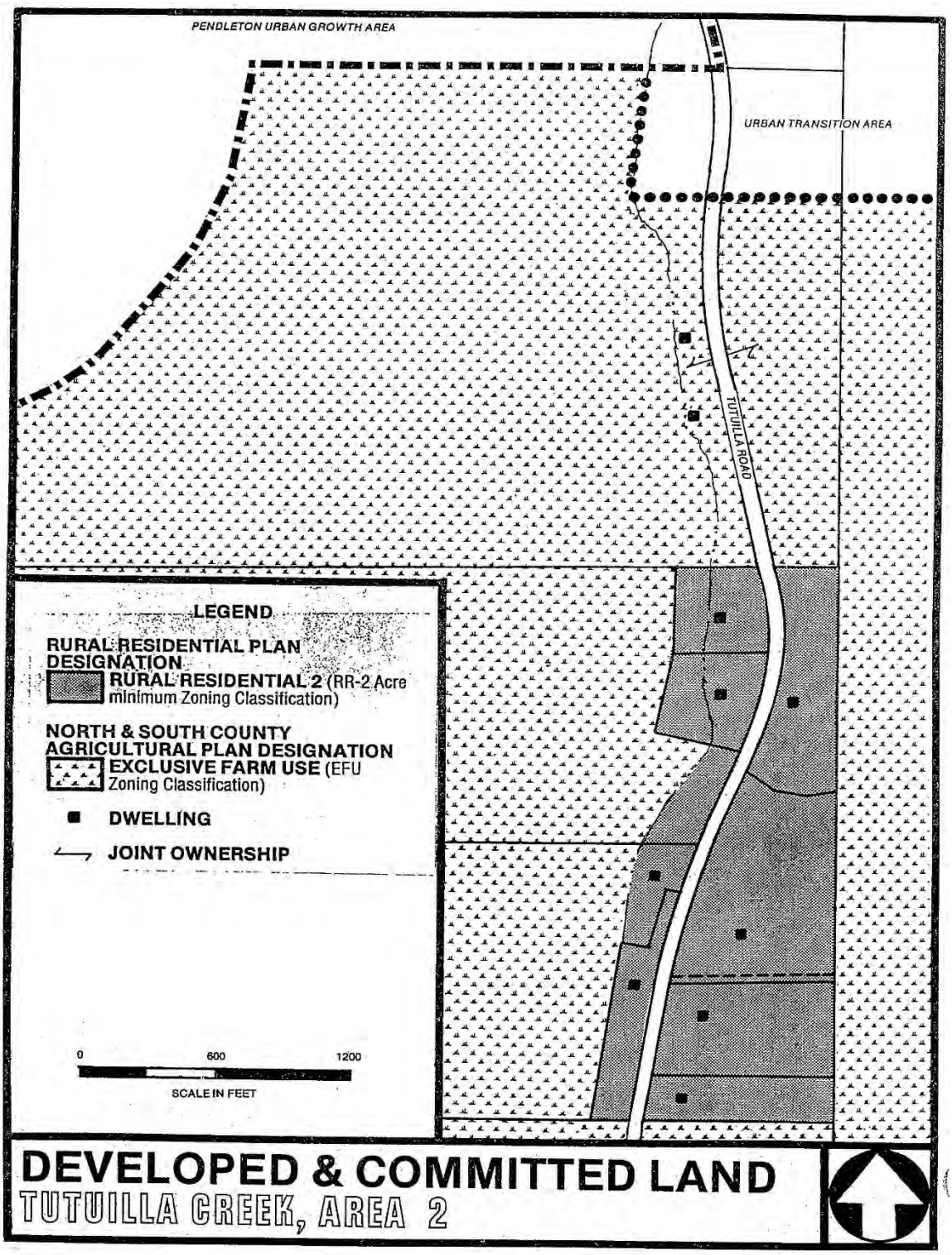
2. Significant numbers of residential dwellings on these small parcels add to evidence of rural residential commitment of area.

3. Rural residential planning and zoning for areas since 1972 recognizes parcels being used for many years as rural residential and/or hobby farms.

4. Soils in the creek bottoms possess agricultural capabilities (Class II Irrigated) whereas the agricultural capabilities on soils on developed/committed parcels beyond creek bottom are Class III Dryland. Existing non-farm development along with terrain problems and the numerous meanderings of the railroad and county road dividing these parcels into small, narrow and isolated tracts, all contribute to the difficulties of commercially farming these better agricultural soils.

5. Both electrical power and an improved county road adequately serve the area.

6. Floodplain and topography will further restrict full development of this developed/committed area. Limited rural residential dwelling opportunities will help to keep at a minimum conflicts with nearby agricultural activities and not unnecessary burdens upon public facilities and services.



XVIII-326A

Map 18-45 – Developed & Committed Land, Tutuilla Creek, Area #2 (XVIII-326A)

Area: McKay Creek-McKay Reservoir (Area #3)
(see Map 18-46, Map 18-47 & Map 18-48)

Number of Parcels	409
Average Parcel Size	1.9 acres
Number of Dwellings	229
Largest Parcel	30 acres*
Smallest Parcel	10 acres
TOTAL ACRES	803 acres

Findings and Conclusions:

1. Extensive parcelization, separate ownerships and over 85% of the lots occupied by a dwelling justifies area as developed and/or committed to non-agricultural uses.

2. Non-resource lot sizes and development is supported by the presence of eight subdivisions whose lot sizes range from 1/4 acre to 4 acres. A good majority of them are extensively developed with homes.

3. The numerous partitioned lots (not within subdivisions) in a minority of cases have small pastures and irrigated alfalfa fields in association with rural homes. Agricultural suitability varies form Class II in creek bottoms to non-agricultural soils (Class VII) on slopes bordering McKay Creek and McKay Reservoir. Despite the good soils, the extensive non-agricultural development has irrevocably committed parcels to rural residential uses and activities.

4. The area has been the oldest established rural residential area around Pendleton where opportunity to live in the country and raise a few cattle or pasture a horse is available. This situation resulted in a majority of these parcels being zoned and planned for rural residential uses since the early 1970*s, and further substantiates their non-agricultural use.

5. *A 30-acre parcel was considered irrevocably committed to non-agricultural use because of the many interferences adjacent to it (on two sides by existing rural residential uses and on another side by the Urban Growth Boundary of Pendleton).

6. Developed/committed area is adequately served by a major state highway (Highway 395), several paved county roads and in many cases paved interior subdivision streets.

7. The area is very near and in several instances adjacent to the City of Pendleton. New potential homes will occur near a wide variety of services and public facilities and within areas no longer commercially farmed.

Additional Justification for Committed Parcels Explanation

Parcel A on Map 18-46, parcels A, B, C, D and E on Map 18-47 (Lake Drive area) and Area A on Map 18-48 are committed parcels. Three sub-area explanations which follow will explain facts that lead to a conclusion of commitment to rural residential use rather than preserving them for agricultural purposes (see Map 18-46 & Map 18-48).

Description of Parcel A (Olson Property)- Parcel A on Map 18-46, is 30 acres in size and is located on the McKay Creek valley floor between McKay Creek and a steep bluff. The parcel is about 1/2 mile from the city limits of Pendleton. It is the only committed parcel on Map 18-46 questioned by LCDC in an extensively developed rural residential home/hobby farm area (180 acres of approved developed rural residential) extending along the creek

bottom. About 18 acres of the parcel is cultivated, usually rotating alfalfa or wheat crops. The other twelve acres is steep hillside (five acres) or rocky soils/riparian vegetation along McKay Creek (seven acres). There are three dwellings on the subject committed parcel.

Adjacent Land Uses to Parcel A and Development History of the Area.
A 4 acre, 6 acre, 6.1 acre, 1.3 acre, 2.3 acre, and 2 acre parcel border along the north and east sides. Seven dwellings are sited on the above mentioned parcels. Only the 6 acre and 1.3 acre tracts are vacant. The predominate land use in the immediate area is rural residential homes with small pastures. Larger wheat/hillside parcels border along the west and southwest sides of committed Parcel A, but are topographically buffered by steep hillside land (see Attachment T in Appendix). Land to the south, which is part of a larger dryland wheat operation to the west, is irrigated hay and alfalfa land on the valley floor. This area is similarly impacted by rural residential influences to the east and southeast as is the subject committed parcel.

This area of the McKay Creek valley as well as the entire 630 plus acres of exceptions lands in this valley has been developing into rural residential uses the 1940 's, being one of the few places around the major service center of Pendleton that was easily developable, having a good transportation line (Highway 395) and available utilities. The rural residential pattern grew steadily until the mid-1950's and through the 1960's when many subdivisions and rural lots were developed. It was during this time that the valley and developable portions of side hills gave way to rural residential uses rather than continuing commercial agricultural practices. In the early 1970*s the county planned and zoned the subject committed parcel as well as the valley bottom lands surrounding it for rural residential homesites. Since the 1970's, a more steady rural residential development pattern in the area has occurred. All this leads to a conclusion that the surrounding area and subject parcel under discussion is perceived by county and local residents as an established rural residential area.

Impracticalities for Agriculture
Besides the above explanations of the predominance of rural residential influence, there are other related reasons why Goal 3 should not be applied to this property. First, the size of cultivated area (18 acres) is simply not a commercial size for the crops now grown in rotation here. Extensive discussion and testimony pertaining to other committed parcels in the county clearly concludes that much larger acreages are needed to make a reasonable return on wheat and alfalfa. Also, specialty or high return crops are non-existent in the McKay valley for the very profound reason of incompatibility of which this parcel is also subject. The parcel also has three homes sited on it, which is not only indicative of the existing rural residential influence, but also makes the resale of the parcel to the adjacent farming interest to the south (the only possibility) highly improbable due to the higher costs involved in purchasing these improvements along with the land.

Conclusion of Commitment
The predominance of incompatible non-agricultural activities (rural residential), the small uneconomical size of the farmable area, the buffering effect of topography from commercial wheat farming to the west and southwest, if this parcel were developed to rural residential uses, all lead to a conclusion that this parcel is committed to non-resource activities; and therefore Goal 3

cannot be applied.

Description of "Lake Drive" Committed Area (see Map 18-47)
This area totals approximately 67 acres, involves five parcels, five different ownerships, a dwelling, and several accessory structures and related improvements. Parcel E is the largest (23 acres), having a storage building, well, septic tanks and electricity on-site. Currently, alfalfa is grown on the remaining unimproved portions. Parcel D (20 acres) has a dwelling, storage building, and other improvements on it. It too is mostly alfalfa which is used to feed the owner's horses. Parcels C (20 acres), A (18 acres) and B (4.2 acres) are vacant.

Area History and Adjacent Land Uses
Several parcels in this committed area were partitioned in the early and mid-1970's when county zoning for agriculture had a 19 acre minimum (parcels C, D, and E). The remaining parcels (A and B) have been zoned for rural residential activities here and throughout the McKay Creek area. (See more thorough discussion of McKay area development history under committed parcel A, page 18-201).

To the south and west of committed parcels A, B and E is significant area of rural residential homesites and lots. To the south of parcel E is vacant buffer land owned by the U.S. Government as part of the McKay Reservoir property. To the north and east of Parcels A, C, D and E is dryland wheat fields.

All Lake Drive committed parcels have utilities on or near them and are close to a wide range of services.

Impracticalities of Agriculture
Parcels A and B are committed not only because they are adjacent to incompatible land uses, but mainly because they are non-agricultural lands. (See soils map and soils interpretation sheet in Appendix Attachment U). Parcels C, D and E also contain some non-agricultural soils but are mainly committed because of their small size, individual ownerships and the degree of non-agricultural development on the committed parcels and in the immediate area. The 20 acre size range of these parcels is definitely not commercial enterprises in the Central County area. Only alfalfa and wheat are the main commercial agricultural activities in this region, and they require larger acreages to make a living upon. (See Extension Service letter in Appendix). These parcels are hobby-farm sizes, typical in the area for those raising a few head of livestock or supporting horses, a popular hobby in the county. Because of the individual ownerships and expensive improvements now on the property (dwellings, buildings, wells, septic tanks/drainfields), it is highly unlikely that consolidation will occur. The nature of the overall area is really rural residential heavily influenced by such non-agricultural development to the west. This influence is clearly evident by the one home on parcel D and improvements leading to eventual home development (septic tank, well, storage building) on parcel E. Goal 3, therefore, cannot be applied to these three "committed" parcels.

Description of Committed Area A (Griggs Property) on Map 18-48.
Encompassing some 26 acres and 6 lots, this committed area (originally one parcel and classified and justified as part of a needs exception) is located on the east side of Highway 395, about five miles south of Pendleton (about 10 minutes travel time). The general area is known as "Rancho Vista" after the name of the established

subdivision to the west of this committed area. The Griggs property is a newly developing rural residential subdivision (Happy Trails Subdivision), having the road system and utilities (electricity and phone) installed and completed within the last six months.

Development History and Adjacent Land Uses

The general area has had a rural residential character since the 1950's and 1960's when the Rancho Vista Subdivision was developed along with a majority of rural residential development in the McKay Creek/McKay Reservoir area. Seven additional rural residential parcels were also partitioned during this time to the south of the Rancho Vista Subdivision. There are 20 dwellings within these two areas which border the Griggs committed parcel on the northwest and west sides.

Federal land (part of the McKay Reservoir complex) borders to the north. In fact, approximately three acres of the Griggs land was donated to the Federal Government (U.S. Fish and Wildlife Service) to give additional buffer area to protect the scenic and other recreational values of the McKay Wildlife Refuge. The 50 acre parcel to the east has been used for grazing the last three to four years, and before that was in dryland wheat/fallow. A large dryland wheat parcel is to the south and only borders the subject committed property for about 250 ft.

Factors of Commitment

Goal 3 cannot be applied to the Griggs committed area for several reasons. First, an exception and subdivision approval according to state planning goals permitted initial basic improvements to be made to all lots (e.g. roads, utilities). These improvements have effectively committed the land to rural residential use. In other words, the owners have invested money and improvements to initiate the completion of an overall development plan approved by the county. The presence of these improvements precludes the land's use for agricultural purposes. Secondly, the four acre density, topographic difference to the north and east (a large gully) and adjacent rural residential uses to the west and northwest allow similar, minimal development within an area largely impacted by existing rural residential activities, and can be contained with minimal or no impacts upon adjacent resource lands and upon utilities and services in the area.

Area: McKay Creek-McKay Reservoir (Area #3) Sub-Area E (Perkins Property)

10-acre minimum lot size
(see Map 18-48)

Number of Parcels	1
Number of Dwellings	1
TOTAL ACRES	51 acres

Background/Summary
The Perkins Rural Residential Area is approximately. 51 acres in size and is located approximately five miles south of the City of Pendleton on the east side of State Highway 395. The property is bordered on the west by Happy Trails subdivision, a developed and committed residential area, and on the east by McKay Reservoir and McKay Creek National Wildlife Refuge. The property is identified by the Umatilla County Assessment and Taxation Department as being Tax Lot 1N32-10A-100.

Access to the 51 acre parcel is by Conestoga Drive, which is a public road where it traverses the Happy Trails Subdivision and a private easement road otherwise. There is presently one residence, several outbuildings, and corrals located on the property. Electricity and telephone service is available.

The soil on the property consists of equal proportions of 68D and 67B with a classification of IIIe. Since the land is not irrigated and since there are no water rights applicable to the property, there are no high value soils on the property. The land has no vegetation other than grasses.

No municipal services for domestic water or sewage disposal. are available to the property. The property is located in the Riverside District, which contracts for fire protection with the City of Pendleton Fire Department.

The property is uniquely located between a rural residential subdivision and a wildlife refuge/reservoir. Developing the property to ten-acre parcels would serve as a good transition between the four-acre lots in the adjacent subdivision and the wildlife refuge. Establishment of four additional residences on the parcel would allow for more efficient and profitable use of the land which cannot be otherwise used for commercial farm purposes due to the location, slopes, and soils.

The property's close proximity to State Highway 395 facilitates energy conservation. The Comprehensive Plan and Buildable Lands Inventory for the McKay Creek and McKay Reservoir, Area 3, Sub-Area E indicate that as of 1995 the area was built out at 61%. As of 2004, the area is almost entirely built out, with the adjacent Happy Trails Subdivision 100% built out.

Findings and Conclusions:

A. OAR 660-004-0020(1) If a jurisdiction determines there are reasons consistent with OAR 660-004-0022 to use resource lands for uses not allowed by the applicable Goal or to allow public facilities or services not allowed by the applicable Goal, the justification shall be set forth in the comprehensive plan as an exception.

OAR 660-004-0022(2) Rural Residential. Development: A jurisdiction could justify an exception to allow residential development on resource land outside an urban growth boundary by determining that the rural location of the proposed residential development is necessary to satisfy the market demand for' housing generated by existing or planned rural industrial,

commercial, or other economic activity in the area. 'For the reasons stated elsewhere in this section, the County finds that there is a strong market demand in Umatilla County for residential. uses of the type allowed by the proposed rezone in this application. The County acknowledges, however; that-OAR-660-004-0022(2) requires that approval of the application must be based not only on market demand, but on additional criteria set out in the rule.

The County finds that the criteria set out in the OAR 660-004-0022(2) are satisfied for the following reasons:

First, the market demand proven is not just a market demand for housing, but a demand for rural uses in farming and livestock on small ten acre parcels in association with housing and residential uses. Second, past urban and rural population patterns and distributions are continuing, and that. the past distribution pattern for urban and rural populations that resulted in complete build-out of the four-acre and two-acre residential developments adjacent to the subject property will, therefore, continue and result in complete build-out of the rezoned' area. Third, the housing type and cost characteristic of residences on the property is unique because an owner with a desire to pursue agricultural uses in conjunction with residential uses on smaller tracts can do so without making the much larger expenditure necessary for land zoned in larger tracts better suited for commercial agricultural use. The subject property is unique and better suited for rural residential use than are other lands zoned for resource use because of its proximity to other such. residential uses, its proximity to roads and utilities, and other public services, its proximity to the McKay Creek Reservoir and wildlife preserve, and its relative uselessness for commercial agricultural use due to soil type, location, size, and absence of irrigation water rights.

The exception is also supported by the following statement in the County's Comprehensive Plan (Technical Report), p B-31:

> Lands near suburban and rural 'residential areas experience accelerated development pressures. Special measures are employed to lessen the burden on normal farming practices near residential development… Identified rural residential designations should also aid in stopping needless conversion of valuable farm lands. Lot size minimums in rural residential areas should also compliment agricultural operation, generally requiring large lot minimums. In addition, less productive farm lands should be the first areas converted to rural residential development.

The exception will allow residential uses on unproductive farm lands in larger rural residential lot size with a minimum of ten acres and will thereby serve to ease the pressure to convert valuable farm lands to residential uses. *Bridges v. City of Salem*, 19 Or LUBA 373 (1990); 1000 *Friends of Oregon v. Marion County*, 18 Or LUBA 408 (1989).

B. OAR 660-004-0020(2) The four factors in Goal 2 Part II (c) required to be addressed when taking an exception to a Goal:

1. OAR 660-004-0020(2)(a) Reasons why the state policy embodied in the applicable goals should not apply; For uses not specifically provided for in subsequent sections of this rule or OAR 660, Division 014, the reasons shall justify why the state policy. embodied in the applicable goals

should not apply. Such reasons include but are not limited to the following:

a. An inventory table was provided that showed Umatilla County private property land classifications with acreage and percentages. Based on these percentages, a determination was made that there is an insufficient number of parcels available for rural residential use in the County. Referencing an Oregon Outlook (April 2003) report, the number of households has increased more rapidly than the number of people in this state and county. Therefore, the demand for designated rural residential parcels is larger than the supply and the supply is not adequate to satisfy the county's demand for the next 20 years. Data in the inventory table was obtained from the Umatilla County Planning Department and Umatilla County Assessment and Taxation computer records. Umatilla County has not reevaluated its 20-year supply of rural residential lands. The County Comprehensive Plan has not had a significant number of amendments to convert exclusive farm use land to rural residential land since the Plan was adopted in 1985. The Oregon Outlook report does not specially address Umatilla County, but does provide a trend for the State of Oregon.

b. The second point as to why Goal 3 should not apply to this land involves a parcel size significance. There is a land value difference between larger acreage commercial-level farms and smaller acreage hobby-farms, even though both include farm use. It is not commercially feasible to operate a commercial level farm on 50 acres. Finally, rural residential areas cannot be provided in urban areas or on large resource tracts and the best use of the subject property would be rural residential/non-resource.

The subject property does not appear to have been utilized as a commercial farming operation due to its poor soils and slopes. Since the property has no water rights, both soil types are classified as non-high value soils. The RR-10 zone would continue to allow most agricultural uses and the minimum dwelling density would allow four additional single family dwellings.

c. Most of the parcels in the County currently designated for rural residential use are assessed for farm deferral. This supports the popular desire for rural living and the practice: of conducting small scale farming activities. Farm deferral assessment, however, provides little measure in determining the type or intensity of farm use or whether land should be classified as resource land or non-resource land.

d. Locating rural residential areas adjacent to areas where commercial farming is not possible will allow the continuation of the most economic management practices for resource production. Also, the local economic benefits from the use of the land for rural residential purposes outweigh the benefits that would be realized by a resource classification.

The subject property is located in a unique area adjacent' to existing rural residential (non-resource) lands and a wildlife refuge/reservoir. The 10-acre minimum lot size would appear to be an adequate buffer and good transition between the two-four acre lots in the existing subdivisions and the refuge.

If the property is subdivided, the location of the potential four new dwellings should be considered to minimize any adverse impact to the wildlife refuge. The U.S. Fish and Wildlife Service, wildlife refuge

management agency; were notified of this exception proposal. No comments were received in the public hearing approval process.

Establishment of four additional residences would not appear to have a significant impact to the area economy, but would allow for more efficient use of the land that could otherwise not be used for commercial farm purposes.

e. Geographic Location Factors: Fortunately, most of the County's rural residential parcels have, over the years, developed in specific areas that are associated either with the County's urban areas or with the County's transportation systems. This makes the task of defining and justifying rural residential areas much less difficult.

Tax Lot 100's close proximity to Highway 395 facilitates energy conservation. The location lying between Highway 395 and McKay Reservoir is much preferable to an otherwise random placement of rural residential uses in the rural area of the County.

In summary, the Goal 3 policies would not appear to apply to the subject property because the 51-acre property cannot operate as -a commercial level farm. The sloping land and non-high value soils also contribute to this determination. The property, however, could operate in a similar capacity as smaller rural residential hobby farms if developed. This would allow a more efficient and better' use of the land. The location of the subject property appears to be suitable for the proposed RR-10 zoning classification.

2. OAR 660-004-0020(2)(b) Areas that do not require a new exception cannot reasonably accommodate the use;

a. 660-004-0020(2)(b)(A) The exception shall indicate on a map or otherwise describe the location of possible alternative areas considered for the use, which do not require a new exception. The area for which the exception is taken shall be identified;

The area for which the exception is taken is identified on Map 18-48. Application to alternative sites would include resource lands that are not irrevocably committed or physically developed and would require a full new exception to statewide planning goals. There are no alternative areas that do not require a new exception.

b. 660-04-0020(2) (b.) (B)- To show why the particular site is justified, it is necessary to discuss why other areas which do not require a new exception cannot reasonably accommodate the proposed use. Economic factors can be considered along with other relevant factors in determining that the use cannot reasonably be accommodated in other areas. Under the alternative factor the following questions shall be discussed:

(i). Can the proposed use be reasonably accommodated on non-resource land that would not require an exception, including increasing the density of uses on non-resource land? If not, why not?

This exception is justified because of demand for designated rural residential parcels in excess of the lands identified as committed lands. It is projected that the rural lands currently zoned for rural residential uses under committed exceptions will be inadequate to satisfy the small farm and rural residential growth demands for the

next 15-20 years. The County's objective in satisfying this demand is not to encourage new small parcel rural development in areas that should be preserved for resource use, but rather to permit the development of those areas that have minimal resource use and will have minimal impact on resource use to accommodate the demand for rural residential growth.

The subject property is adjacent to rural residential developed and committed land identified in the County's Comprehensive Plan and Buildable Lands Inventory (1995) as McKay Creek-McKay Reservoir, Area 3, Sub-Area E. The County's Rural Residential Buildable Lands Inventory demonstrates that in 1995, the entire McKay Creek-McKay Reservoir, Area 3 (including all sub-areas) was built out at 61%. A review of the current rural addressing map indicates that the two subdivisions that make up Sub-Area E--Happy Trails Addition and Rancho Vista Addition--are mostly built out. Happy Trails Addition is 100% built out and Rancho Vista Addition is mostly built out. Some of the vacant lots in Rancho Vista Addition may not be buildable due to slope-or size.

(ii). Can the proposed use be reasonably accommodated on resource land that is already irrevocably committed to nonresource uses, not allowed by the applicable Goal, including resource land in existing rural centers, or by increasing the density of uses on committed lands? If not, why not?

Zoning and comprehensive plan maps indicate there are no lands irrevocably committed to nonresource use in the surrounding area that could accommodate the use. The density of uses on the existing adjacent rural residential subdivisions cannot be increased without taking a Goal 14 exception. In addition, there are no urban services (sewer or water) that could support a higher density of development.

(iii) Can the proposed use be reasonably accommodated inside an urban growth boundary? If not, why not?

Land within an urban growth boundary (UGB) cannot be divided into large lot rural tracts to meet the demand for rural residential lifestyles. No evaluation of available land in the Pendleton UGB was presented. Rural Residential development is considered a rural use under Administrative Rule if the minimum lot size is not less than 10 acres. Therefore, the application of the RR-10 zoning to lands outside a UGB would be considered an allowed rural use. Since rural uses are-allowed outside of urban growth boundaries and the intent for having a UGB is to provide for a transition from urban to rural uses, it is not deemed appropriate to accommodate 10-acre rural residential lands as a rural use in a UGB. There are certainly some lands within urban growth boundaries in this county that contain larger acreage and some that contain rural uses as well. There is a need for the County to provide a supply of rural residentially designated lands outside a UGB based on the demand for this type of lifestyle in this County.

(iv) Can the proposed use be reasonably accommodated without the provision of a proposed public facility or service? If not, why not?

Yes. The proposed use is rural residential development that can be accommodated by individual on-site septic systems and wells. Since neighboring rural residential development has occurred without the provision of a public facility, it would seem reasonable that the limited amount of residential development that could occur

with the exception could also be accommodated by individual on-site septic systems and wells. No public facilities are available in this area.

3. 660-004-0020(2)(c) The long-term environmental, economic, social and energy consequences resulting from the use at the site with measures designed to reduce adverse impacts are not significantly more adverse than would typically result from the same proposal being located in other areas requiring a Goal exception.

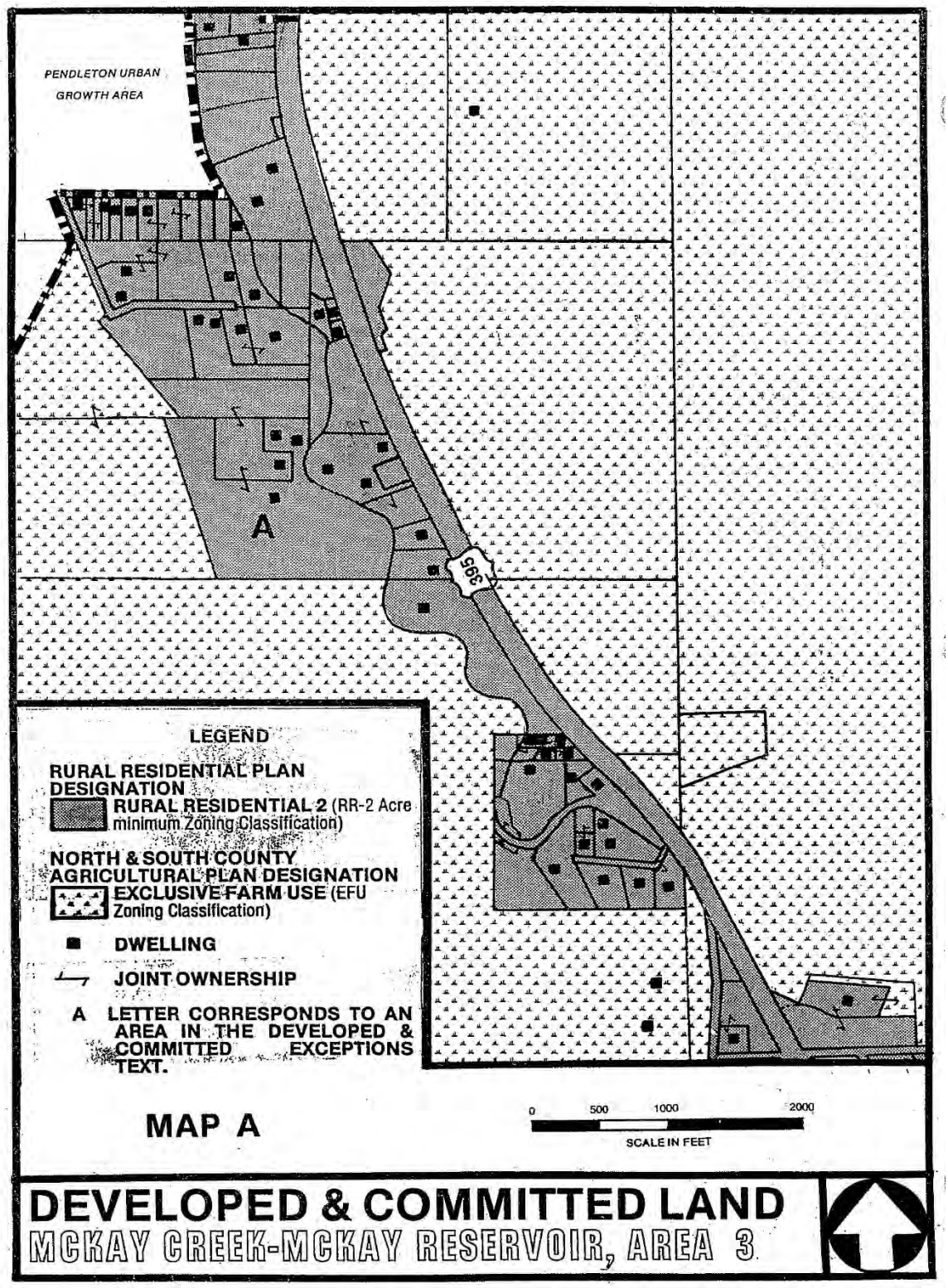
The subject property has not been used for commercial agricultural purposes. Therefore, there would be no adverse consequences to economics resulting from the exception. A positive social and energy consequence is demonstrated by the demand for rural residential uses apart from cities and urban growth areas.

4. 660-004-0020(2) (d) The proposed uses are compatible with other adjacent uses or will be so rendered through measures designed to reduce adverse impacts. The exception shall describe how the proposed use will be rendered compatible with adjacent land uses. The exception shall demonstrate that the proposed use is situated in such a manner as to be compatible with surrounding natural resources and resource management or production practices. Compatible is not intended as an absolute term meaning no interference or adverse impacts of any with adjacent uses.

Land use compatibility, with adjacent' resource use was not determined to be a serious concern since the property is confined to a specific location between an existing nonresource area and a resource area.

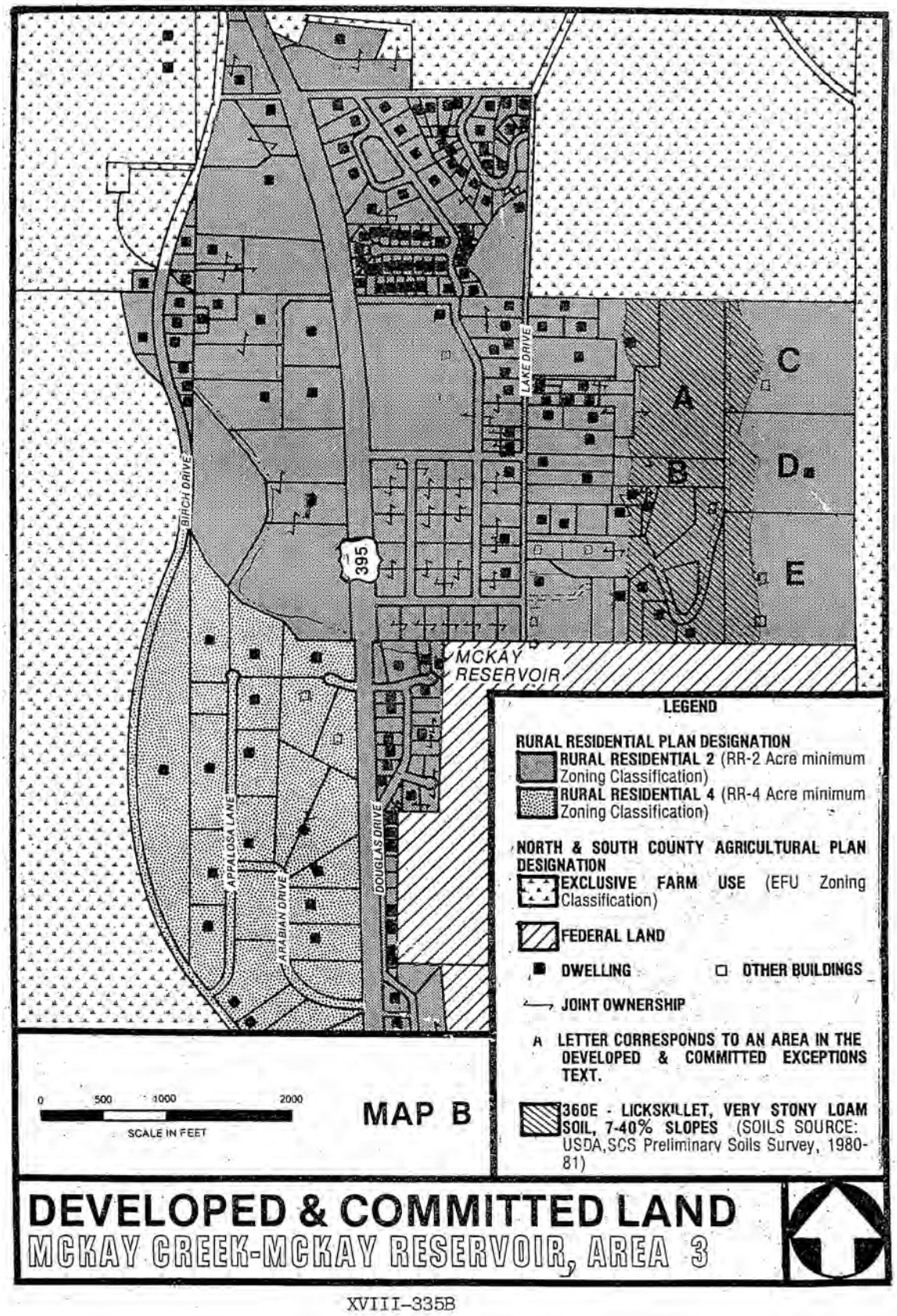
The addition of four possible dwelling sites would appear to be compatible with the existing adjacent subdivision. No adverse impacts were identified in the consideration of Factor 3; therefore, no measures to mitigate impacts are identified with the consideration of Factor 4.

III. The Zoning Classification for the subject property is changed from Exclusive Farm Use (EFU-160 acre minimum lot size) to Rural Residential (RR-10 acre minimum lot size).



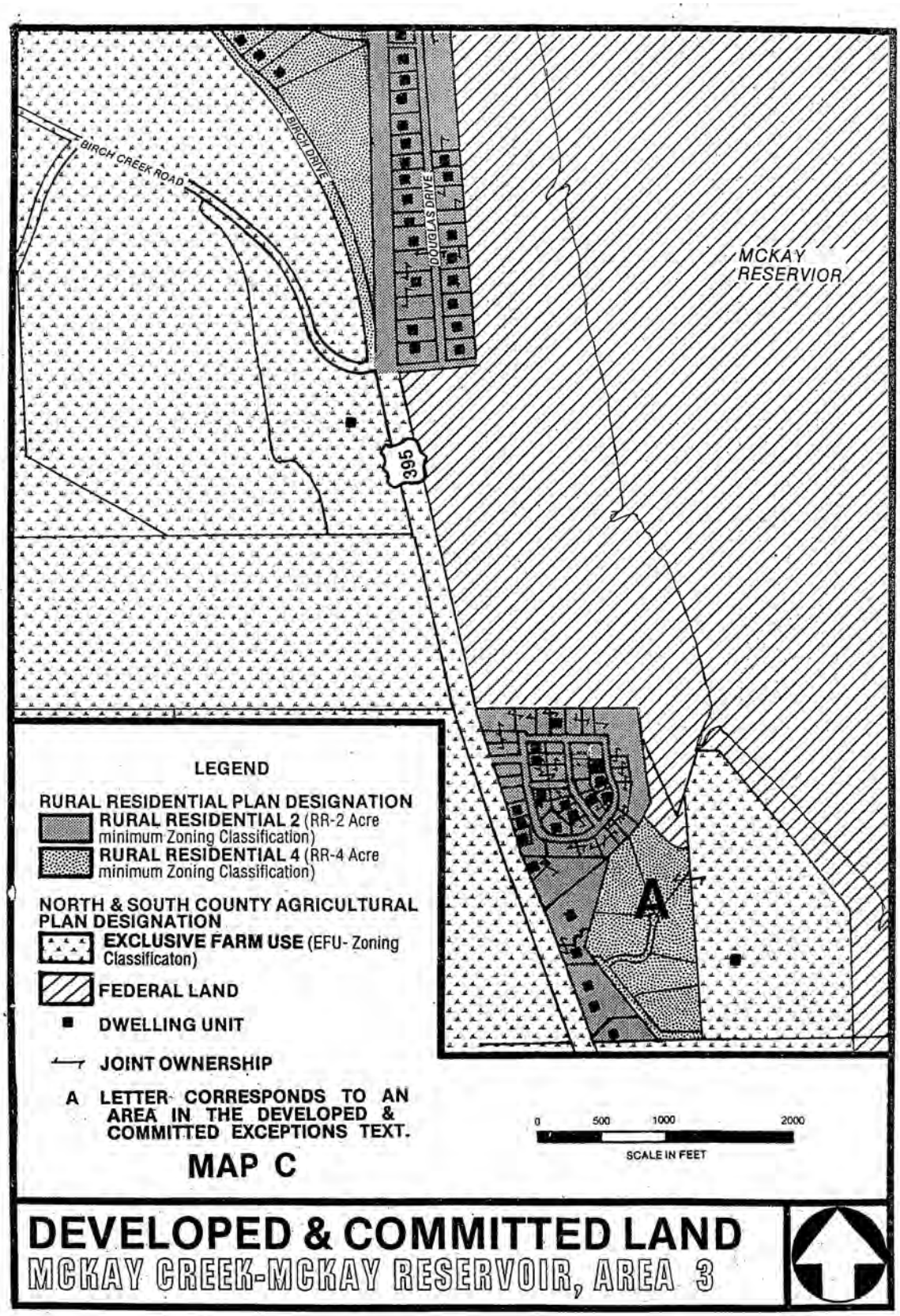
XVIII-335A

Map 18-46 – Developed & Committed Land, McKay Creek - McKay Reservoir, Area #3a (XVIII-335A)

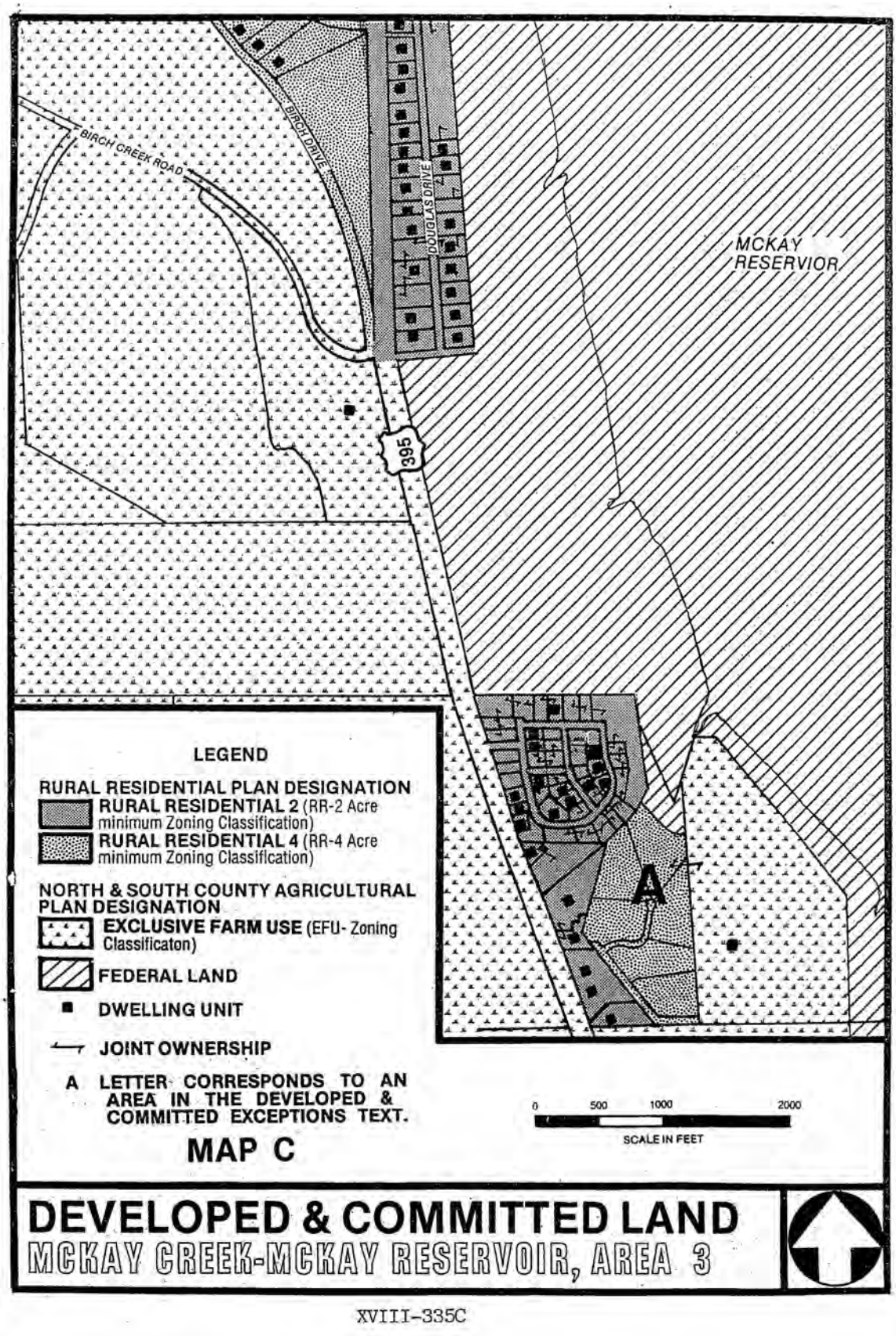


XVIII–335B

Map 18-47 – Developed & Committed Land, McKay Creek - McKay Reservoir, Area #3b (XVIII-335B)



Map 18-48 – Developed & Committed Land, McKay Creek - McKay Reservoir, Area #3c (XVIII-335C)



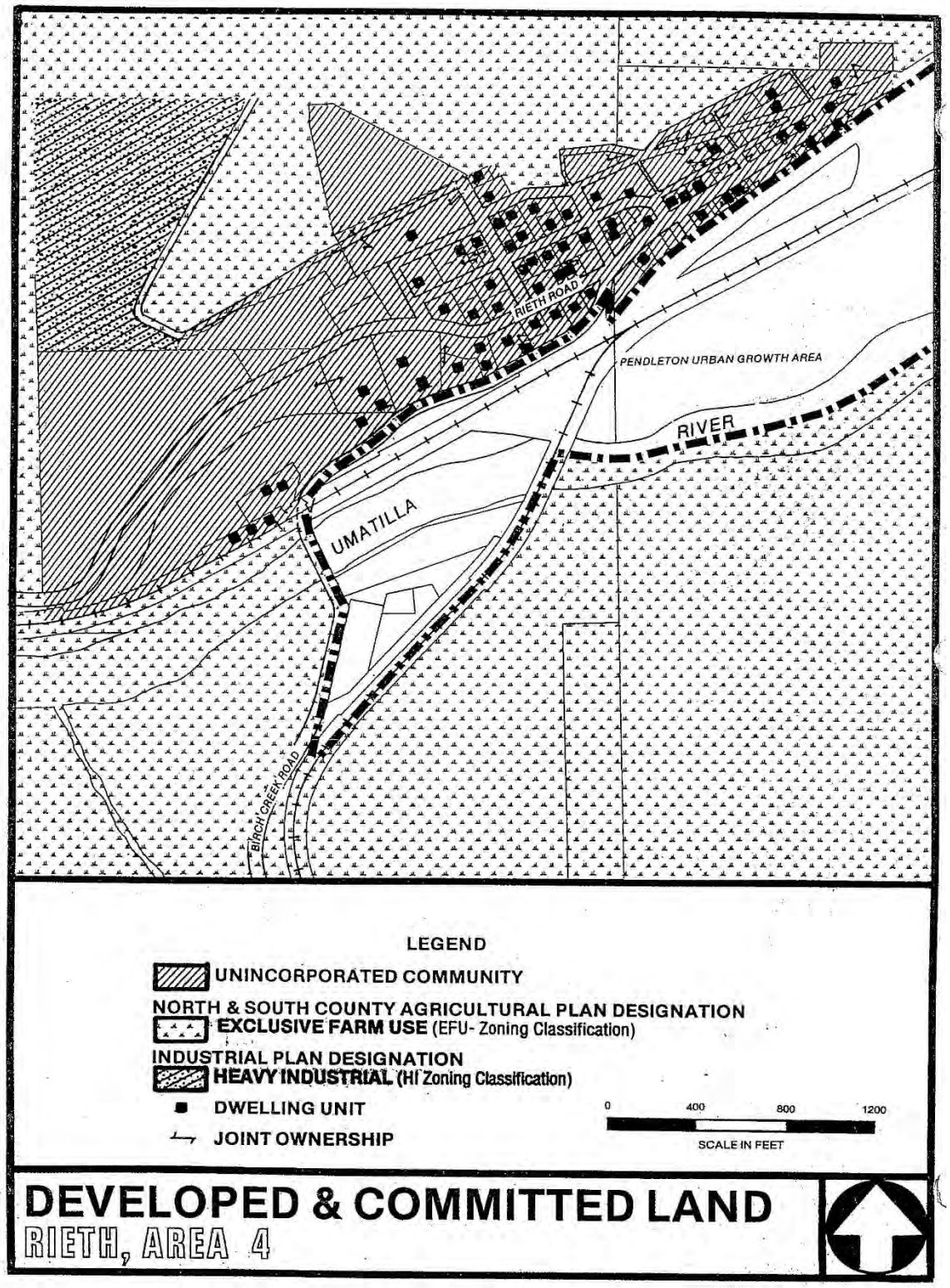
Map 18-49 – Developed & Committed Land, McKay Creek - McKay Reservoir, Area #3, Sub-Area E, (XVIII-335C)

Area: Rieth (Area #4)
(see Map 18-50)

Number of Parcels	161
Average Parcel Size	4 acres
Number of Dwellings	61
Largest Parcel	14 acres
Smallest Parcel	10 acres
TOTAL ACRES	65 acres

Findings and Conclusions:

1. Unincorporated town of Rieth and small lot rural residential development adjacent to it classifies area as developed and committed lands.
2. Area supports very small acreages of agricultural soils, mostly due to steep slopes and shallow soil depths (Classes VI and VII). Very little of the vacant land is considered developable.
3. Adjacent lands also possess poor agricultural soils, are steep sloping and unused. The very limited infilling that could occur on developed/committed parcels would therefore not interfere with any adjacent or nearby agricultural activities.



XVIII–336A

Map 18-50 – Developed & Committed Land, Rieth, Area #4 (XVIII-336A)

Area: Westfield Subdivision (Area #5)
(see Map 18-51)

Number of Parcels	9
Average Parcel Size	4.5 acres
Number of Dwellings	1
Largest Parcel	5.8 acres
Smallest Parcel	4 acres
TOTAL ACRES	42 acres

Findings and Conclusions:

1. Nine-lot subdivision classified "committed" because 1979 plan and zone changes as well as subdivision plat were approved and tested against applicable State Land Use Planning Goals.

2. Commitment is also based on the fact that several wells have been drilled, two lots sold, and one rural residential home has been constructed within the subdivision. Also, an improved oil mat road serving most of the platted lots has been completed. Electricity and phone service is installed and available to all lots. (See Additional Justification below).

3. Four-acre parcel size, topography, nearness (adjacent) to planned rural residential areas, and contract commitments to upgrade the main access road to the area (Gleridale Road) will not likely cause excessive demands upon rural facilities nor negatively impact commercial farming in the immediate area.

4. Location of the subdivision near Pendleton city limits, Urban Growth Boundary, and the one remaining Urban Transition Area property (Kulm property), along with larger lot "holding" size of platted lots in the Urban Transition area, will allow redevelopment of lots when expansion of city occurs into the area.

Additional Justification for Committed Parcels

A. History and Description. The 42 acre Westfield Subdivision is a portion of a 160 acre tract purchased in 1978 for rural residential development. At that time, the parcel was zoned Exclusive Farm Use (F-l) with a 19 acre minimum. In 1979, the new owners requested the County for a plan and zone change (F-l Farm to Residential four acre minimum). Along with these amendment requests, an exception to the statewide agricultural lands goal was taken. The county considered the four factors required at that time: (1) needs; (2) consequences; (3) compatibility; and (4) alternatives (see appendix AA for exception justification). The county approved of the subdivision plat with conditions to assure that roads and other public facilities would be provided adequate to meet expected demand.

In 1983 the County included the Westfield Subdivision in its exceptions statement to LCDC for acknowledgement. A "developed/committed" exception was taken because several improvements had occurred within the subdivision, rendering application of Goal 3 impossible. LCDC did not uphold the exception due to lack of substantial evidence, but gave the option to the county to provide the needed facts according to updated Oregon Administrative Rules.

Again in 1984 the County resubmitted its developed/committed exceptions to LCDC for acknowledgement with support from DLCD staff, based partly upon development creating Goal 3 impracticalities and partly upon vested rights. However, DLCD staff (February 21, 1985), still says that the

County did not provide adequate findings and reasons as to why it is impractical to apply Goal 3. The option to provide additional findings for commitment to rural residential uses is still offered the County, and that is what the following detailed findings will conclude.

B. Public Facilities and Services. Public facilities to the subdivision are adequate. An oil mat road has been constructed serving all lots. Glendale Road, the main access road, is graveled and is tied to an improvement agreement with the developers for upgrading as more development occurs. The subdivision has underground electricity and phone service to all 9 lots. Police and fire protection, elementary and high school education are also readily available in Pendleton, which is only 1/2 mile to the east.

The small size of the subdivision and its minimal demands upon public facilities and services along with plan policies and development ordinance standards will assure no negative impacts.

C. Boundary Description and Adjacent Land Uses

1. North- Dryland wheat farm.

2. East- Westfield Blvd.- An oil mat road forms most of the east border between the subdivision and the southeastern corner of the same dryland wheat farm that borders the north portion of this subdivision.

3. South- Steep topography (gullies) separates the subdivision from a 53.7 acre parcel and a larger 780 acre parcel, both dryland farmed. In other words, the north borders of these two adjacent tracts are the steeper portions with drainages, vacant land, and poorer crop producing soils.

4. West- Very steep topography (several large gullies) of the remaining 115 acre portion owned by the same owners and developers of Westfield Subdivision.

5. Interior Land Uses- A lot has been sold and one home has been constructed within the subdivision. Another lot has also been sold, but no dwelling construction has occurred. Two domestic wells have been drilled on both of the sold parcels. The remaining seven lots belong to the original owners/developers. Underground utilities (e.g. phone and electricity) exist to all nine lots as earlier mentioned.

D. Factors of Non-Agricultural Commitment. Goal 3 cannot be applied to Westfield Subdivision for several reasons. First, the 1979 exception, according to the LCDC goals requirements at that time, was approved. This approval permitted the subdivision and in turn allowed basic improvements which were made to all lots (e.g. road construction, utilities, and domestic well improvements). Furthermore, several lots have been sold, with one house constructed in 1982. These improvements, house development, and new ownerships have effectively committed the subject area to rural residential use in the following ways:

1. The oil mat road prevents efficient cultivation as a unit (as originally farmed prior to subdivision existence) because the road effectively separates and creates a barrier to cultivated lands to the east and the now small, narrow configurated level portion of the subdivision (approximately 20 acres or 1/2 of the area containing the

subdivision).

2. The underground utilities within the level portion make it impractical for cultivation crops because the ground has been compacted where the utilities have been buried, lowering the yield capabilities of the soils and creating an obstacle for plowing.

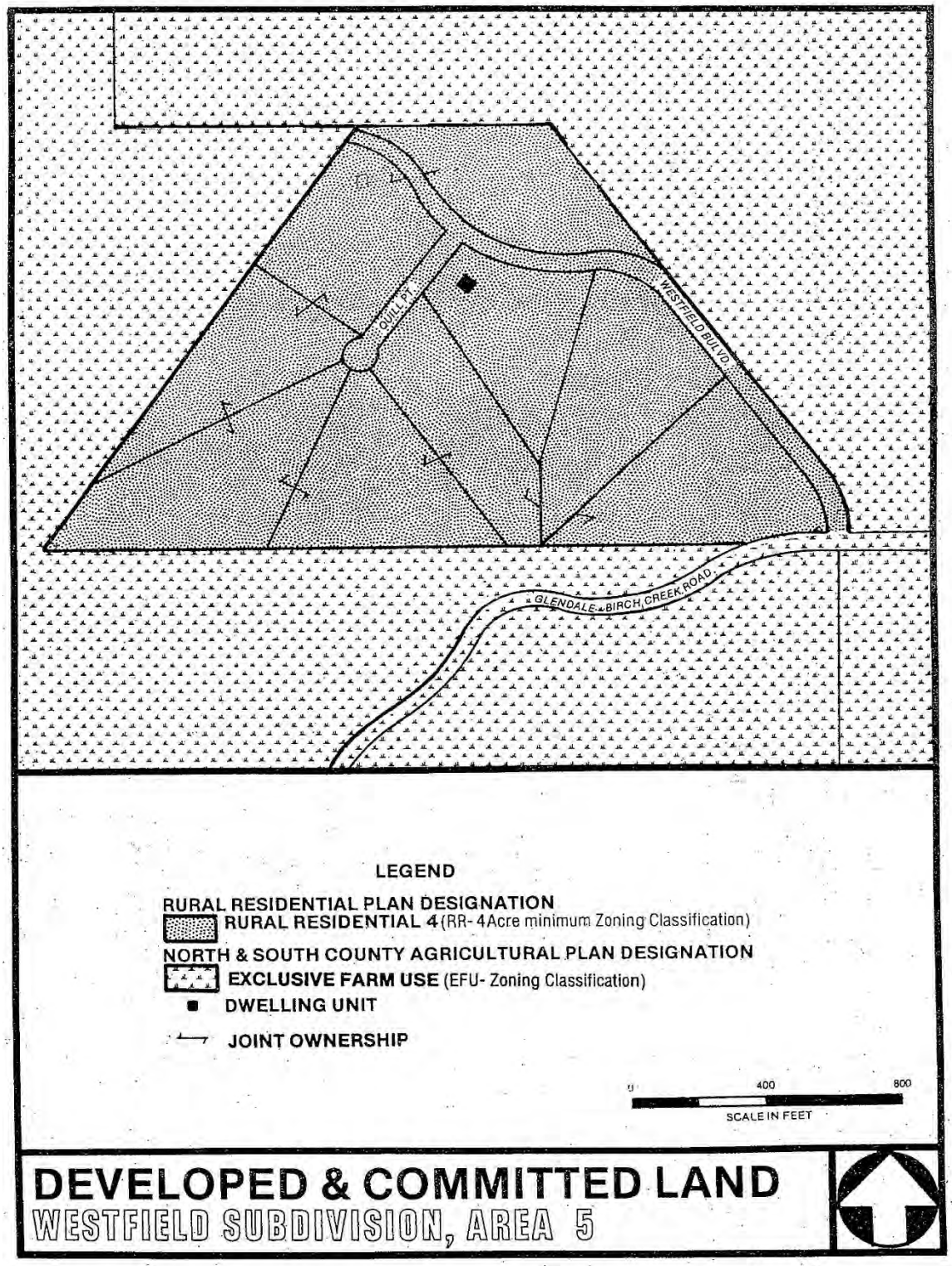
3. More importantly, the size of this area and the area itself is now too small for commercial farming and always has been undesirable or marginal for wheat cropping or livestock grazing. The area is located on a mostly basalt rimrock and contains fingers of low yielding, steep Class IV and VI soils.

4. Additionally, the home and the two additional ownerships make the resale of the property to adjacent farming interests highly unlikely due to the higher costs involved in consolidating and purchasing the land and improvements and the numerous incompatibilities mentioned above.

The small number of lots (9) and the buffering effect of topography, especially to the south and west, will not negatively impact adjacent farmlands. The only farmland directly adjacent to Westfield Subdivision is the land to the north and east from which those owners sold the area encompassing the Westfield Subdivision because it was a poor agricultural corner of his field. Besides, there are many other areas in the Pendleton vicinity where homes had wheat fields have co-existed without difficulty for years.

Conclusion of Commitment

The existence of incompatible, non-agricultural activities and related improvements (e.g. a rural, non-farm home, access road, underground utilities and domestic wells), the small, isolated (poor soil quality) and uneconomical size of the farmable area, and the small number of homes possible in combination with topographic buffering, all lead to a conclusion that Westfield Subdivision is committed to a non-resource use, and therefore Goal 3 cannot be applied.



XVIII-342A

Map 18-51 – Developed & Committed Land, Westfield Subdivision, Area #5 (XVIII-342A)

Area: Birch Creek-Sparks Area (Area #6)
(see Map 18-52)

Number of Parcels	5
Average Parcel Size	2.6 acres
Number of Dwellings	4
Largest Parcel	6 acres
Smallest Parcel	.5 acre
TOTAL ACRES	13.4 acres

Findings and Conclusions:

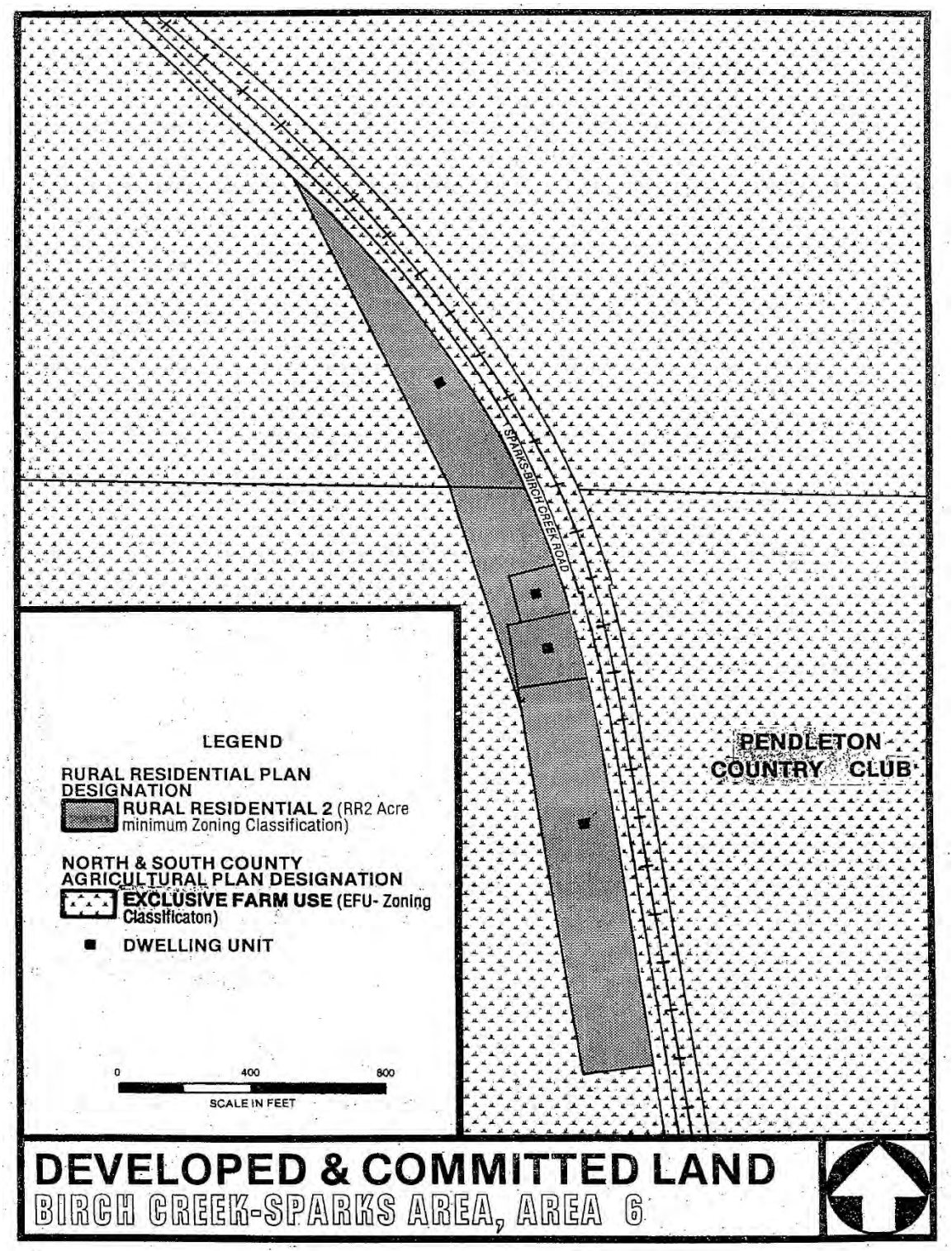
1. Non-farm dwellings located on individually-owned, small lots classified area as developed/committed to non-resource uses.

2. Even though soils have good agricultural capabilities (Class III), all of the area has been divided up into acreage residential uses where conversion back to commercial farming is now very doubtful.

3. Area is situated adjacent to an existing recreational facility (Pendleton Country Club). Adjacent farmland to the west, south and north is somewhat buffered by topographical differences. Therefore, the area is and should remain compatible with the surrounding land uses.

4. The very limited infilling allowed by the prescribed zoning density will help avoid compatibility problems with adjacent agricultural activities.

5. Limited potential homesites (one or two homes) will not place excessive additional burdens upon public facilities and services.



Map 18-52 – Developed & Committed Land, Birch Creek – Sparks, Area #6 (XVIII-343A)

Area: Pilot Rock Vicinity (Area #7)
(see Map 18-53)

Number of Parcels	16
Average Parcel Size	7.6 acres
Number of Dwellings	11
Largest Parcel	27 acres
Smallest Parcel	.4 acre
TOTAL ACRES	123 acres

Findings and Conclusions:

1. Selected on the basis of numerous separately-owned and small, nonagricultural lot parcelization.

2. Over half of the parcels are occupied by a dwelling unit indicative of the predominance of non-farm development.

3. All parcels are in areas adjacent to other non-farm uses and/or adjacent to either the city limits of Pilot Rock or its Urban Growth Boundary. Therefore, infilling of rural residential homes will occur in areas already developed into non-agricultural uses or near areas where agricultural activities are determined to be greatly retarded by the presence of non-farm interferences and pressures.

4. Full use of these parcels is restricted by development limitations, further reducing possibilities of agricultural-residential conflicts.

5. A good majority of parcels have been zoned rural residential since the early 1970's in recognition of existing rural residential use. Also, policies in Pilot Rock Comprehensive Plan recognize some of the developed/committed parcels to be in several designated expansion areas where rural residential development and future conversion into city densities is desirable.

Additional Justification for Committed Parcels Explanation - Several parcels in the Pilot Rock and Vicinity area meet the definition of "committed". Two sub-area reviews will follow explaining the factors leading to conclusions of commitment to rural residential use (see Developed/Committed Map 18-53 for locations of committed parcels).

Description of Sub-Area A- Sub-Area is located northwest of and adjacent to the city limits of Pilot Rock. The area consists of 52 acres, involving six full tax lots and a portion of a seventh lot. There are two houses constructed in the northern part of the area. This sub-area is designed as "Urban Expansion" in the Pilot Rock Comprehensive Plan, requiring short-term rural residential with long-term conversion into eventual city densities.

Findings and Conclusions of Commitment Sub-Area A)

1. Sub-Area A is recognized and planned for rural residential use based upon lack[7] of agricultural soils.

2. Over 95% of sub-area has Class VII soils, being non-agricultural according to State Planning Goal #3. (See Soil Interpretation Sheets, Attachment in Appendix and soil information on the Map 18-53).

3. Development of rural residential homes would not remove agricultural land and would be buffered from agricultural land to the west because of topography and a landing strip. (See USGS Topography Map in Appendix, Attachment V).

4. Development of area would be an extension of residential homes developed to the north and east, and thus

compatible with the existing development pattern.

Description of Sub-Area B- An 11.5 acre portion separated topographically from a 45 acre tax lot is the only committed parcel within a nearly 60 acre area of "developed" rural residential exception. This sub-area and the subject committed parcel (parcel A on Map 18-53) is located south and adjacent to the Pilot Rock Urban Growth Boundary in the Birch Creek Valley between East Birch Creek Road, and a bluff or bench over-looking East Birch Creek. The "committed" portion of the subject parcel has a home constructed on it and is in alfalfa. It lies between or adjacent to four other "developed" rural residential lots (*7.8 acres, 5.2 acres, 13.51 acres and .72 acres respectively) with three of these parcels having dwellings. The committed portion is basically between the existing rural development on top of the bluff.

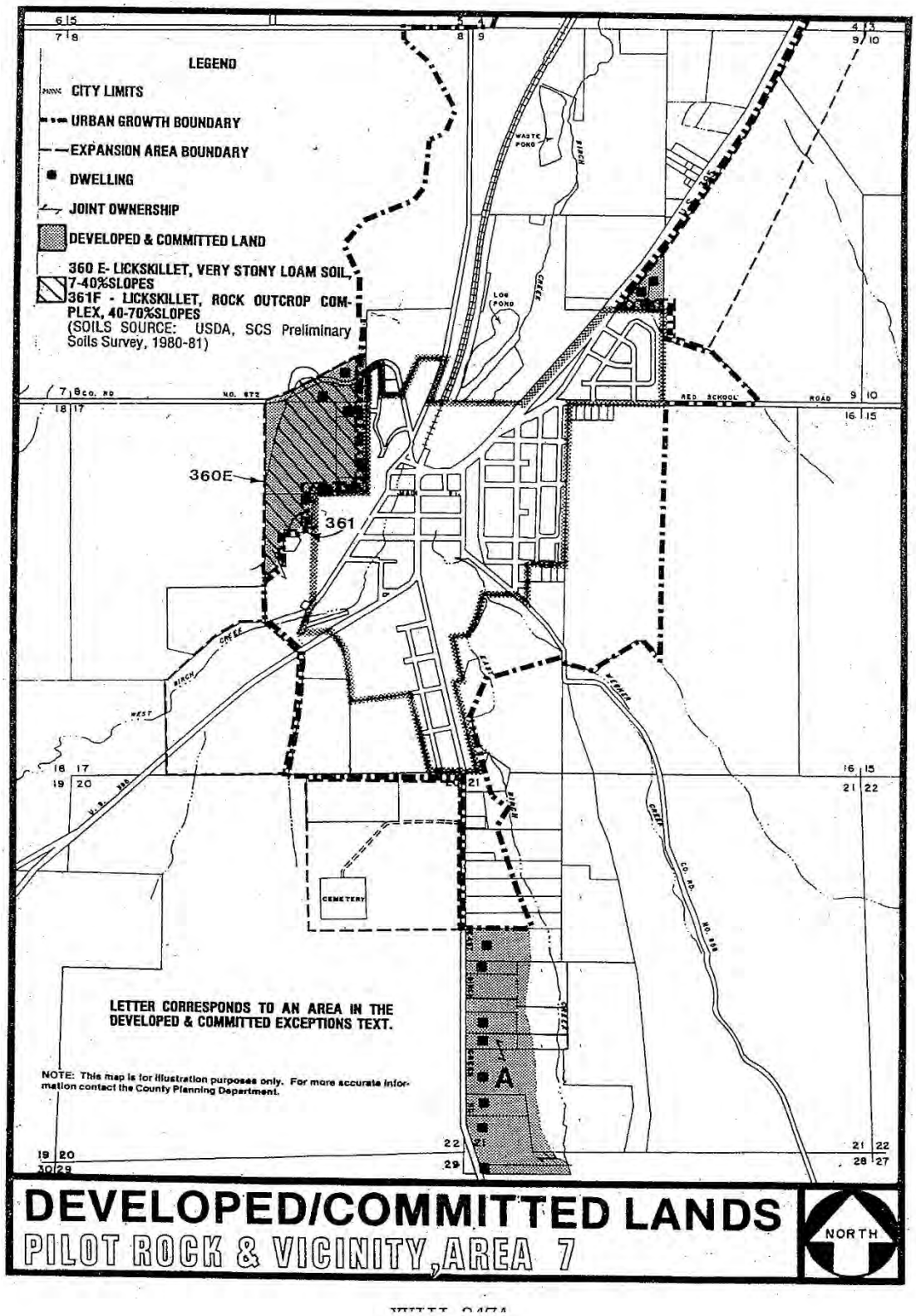
Findings and Conclusions of Commitment (Sub-Area B)

1. Committed parcel is bounded on two sides by other small lots, nearly full-developed rural residential parcels and homes and in the middle of a well-developed and established rural residential area, indicative of the predominance of non-farm development.

2. Home development on this small of an area (11 acres) would basically be an infilling of and extension of rural residential development, thus compatible with the predominate use in this area.

3. The small number of homes possible (approximately four) will certainly not impact agricultural land to the west anymore than exists at present and is topographically separated from the hay and alfalfa field below the bluff.

4. The dominance of rural residential development and the associated potential conflicts and pressures exerted upon the bench area above the floodplain floor make it impractical to apply Goal #3 to this committed parcel.



Map 18-53 – Developed & Committed Land, Pilot Rock & Vicinity, Area #7 (XVIII-347A)

EAST COUNTY DEVELOPED/ COMMITTED RURAL RESIDENTIAL EXCEPTIONS

The East County, with the apportionment of 5,500 rural population, includes an unusual, more densely-populated fruit production area north of Milton-Freewater and to a lesser degree along the Walla Walla River south of Milton-Freewater. Pressure for additional development precipitated a special 1978 study to complete comprehensive planning for the area north of town called the "Orchards District" prior to the 1983 County Comprehensive Plan compliance date.

The rationale establishing an Orchards District planning unit was based upon the need to respond rapidly to intensifying development pressures in a unique fruit-producing area. The district boundary was selected to encompass existing and potential fruit-producing cobbly loam soils and adjacent areas impacted similarly by the overall development pattern.

Applying a preliminary set of developed/committed criteria, it was noted that a significant number of properties qualified as non-farm parcels, and residences in the east side area and along Highway 11/01d Walla Walla Highway corridor. This development had occurred on the valley floor, with serious groundwater pollution resulting from the hundreds of septic tanks installed. Future residential development was therefore directed to two terraced areas, Tum-a-lum Heights and Ferndale Heights, where the soils are less advantageous for fruit production and better suited to subsurface sewage disposal. Both were already developing residential areas and little of the land was under farm deferral.

Therefore, the preliminary set of developed/committed criteria in the Orchards District were modified slightly and applied to these two terraced areas as well as to a small stretch along the Walla Walla River south of Milton-Freewater, where land uses appeared to be non-farm in nature.

Rural Residential Exceptions Explanation

It should be noted that since the November 1983 and March 1984 LCDC reviews of the Orchards District Plan, several major changes to the adopted developed/committed criteria of August 29, 1983 were required. The first change involves the modification and application of "developed lands" criteria #2 on next page. The change involves the elimination of the farm deferral requirement and to extend this criterion's application to several additional areas on the valley floor besides just the two terrace areas mentioned earlier. These changes were made for several reasons:

1. The farm deferral requirement in criterion #2 is not one that is listed or required in Oregon Administrative Rules or state land use laws indicating or proving substantial commitment to rural residential use, or for that matter agricultural uses.

2. This criterion had been used originally in a very site specific manner (on terraced areas only) in conjunction with the EFU-4 zoning assigned to mostly hobby farm, non-orchard areas within the valley bottom of the Orchards District in 1979. However, since the EFU-4 zone cannot be supported, LCDC had required the County to either rezone the EFU-4 areas into EFU-10 zoning, or take an exception to all or parts of these EFU-4 zoned lands. In keeping with the

overall policies of the 1979 Orchards District Plan as much as is possible, it is the county's intention to rezone a majority of the EFU-4 zoned areas into the EFU-10 zoning to protect the valley bottom groundwater aquifer. However, in several scattered locations in the non-orchard, small hobby farm areas of the Walla Walla Valley, a developed exception will be taken. Relevant facts showing that these small, scattered areas are no longer agricultural lands will be provided. Additional reasoning supporting the modifications to this criterion is explained below. This criterion will still be applied to specific areas as explained above and will not commit large vacant parcels adjacent to valuable resource parcels (in this case not next to orchards, but next to small scale pasture and alfalfa fields). Several new plan policies, along with a restricted "developed" exception, will assure that this limited and compact development pattern on the valley floor will remain as such. (A spread-out and growing development pattern on the valley floor was a pattern that the locally adopted Orchards District Plan of 1979 sought to avoid because of the serious groundwater pollution problems possible here).

The second major change regarding the August 1983 developed/committed criteria for the East County area is the elimination of all "committed lands" criteria. None of these criteria were approved by LCDC because they were too general, were not supported by site specific reasons, nor satisfied committed lands criteria in ORS 197.732 (1) (a) and (b) in OAR 660, Division 4. Therefore, the county has eliminated all the original "committed" criteria and will provide site specific findings required in the above statue and related administrative rule showing that Goal #3 (agriculture) requirements can no longer be practically applied to certain parcels or areas within the East County Rural Residential Exceptions areas.

Rural lands in the Orchards District and Walla Walla River areas are considered developed or committed to non-agricultural uses if they have the following characteristics:

<u>Developed Lands Criteria</u>

1. Parcels less than two acres, with or without a dwelling when found within or adjacent to similar sized parcels:

    a. This size was determined to be non-agricultural for most crops grown, not only because of the farm management problems encountered by the limited area, but also due to the presence of incompatible non-farm uses hindering commercial production of farm crops.

2. Parcels less than five acres with a dwelling; when located in a predominately non-orchard area where orcharding is impractical due to soil, climate, and other physical constraints, when found next to or in association with other developed and committed lands and when predominately in single ownerships.

    a. These sizes, especially when owned singularly, are not commercial agricultural sizes. Alfalfa hay and pastures require larger acreages (often 40 acres and larger) to make an adequate rate of return on investment, which is the dominate agricultural activity occurring outside of orcharding areas within

the Orchards District. Testimony from area residents indicated that sizes approaching five acres with a dwelling would have about 1/2 to one acre in use for the dwelling and associated structures and about 3 1/2 to 4 acres in pasture or hay use. These are definitely hobby farm sizes, and their ability to become economical units is too severely limited when found within areas of small, individually owned, developed rural residential lands.

3. Residential portions of parcels when located between adjacent developed rural residential parcels:

    a. This criterion is rather self-explanatory except that this development pattern occurs most frequently in the East County area. The shapes and sizes of the lots are such that a larger lot may have a developed portion along a road with other small, non-farm developed lots on either side, but the back portion of the larger lot can be in farm use and not necessarily committed to a non-farm use.

<u>Committed Lands Criteria</u>

1. For other sized parcels and/or in different circumstances than that listed above, a detailed written report, and if appropriate, detailed mapping outlining applicable factors in OAR 660-04-028, will be provided to show substantial evidence of commitment.

Area: Terrace Rural Residential (Tum-a-lum Terrace)

Number of Parcels	94
Average Parcel Size	4.2 acres
Number of Dwellings	88
Largest Parcel	18 acres
Smallest Parcel	.2 acre
TOTAL ACRES	394.7 acres

Findings and Conclusions:

1. Small, individually-owned parcel sizes place many of these lands into a non-resource category.

2. Large majority of parcels are occupied by a dwelling unit.

3. Area has good agricultural soils (Class II Irrigated), but small lot parcelization plus their terrace location (which is not frost-protected for fruit trees, the predominate agricultural enterprise in the area) stimulated rural residential development rather than agricultural activities. Almost all parcels do not qualify for and have not received farm deferral tax assessments.

4. Terrace location separates or helps to buffer this rural residential area from agricultural activity occurring on the valley floor. Infilling of remaining land for rural residential hoes should not create agriculture-home conflicts.

5. Improved roads and utilities are available and soils are well-suited for septic tanks, all desirable situations for rural residential development.

Area: Ferndale Terrace Rural Residential
(see

Map 18-54)

Number of Parcels	21
Average Parcel Size	2.7 acres
Number of Dwellings	21
Largest Parcel	6.3 acres
Smallest Parcel	1 acre
TOTAL ACRES	57.3 acres

Findings and Conclusions:

1. Small, individually-owned parcel sizes place most of these lands into a non-resource category.

2. Large majority of parcels are occupied by a dwelling unit.

3. Terrace location separates or helps to buffer this rural residential area from agricultural activities occurring on the valley flood. Infilling of remaining land for rural residential homes should not create agriculture-home conflicts.

4. Improved roads, utilities and services are available, and soils are well-suited for septic tanks, all desirable situations for rural residential development.

5. All but one parcel meets the developed criteria on page 18-224 to 225.

Additional Justification Required by LCDC Continuance Order (OAR-04-028)

The March 16, 1984, Continuance Order required the county to show why this terrace location and other relevant factors make it impractical to apply Goal #3. Most obvious is that almost every parcel is a developed rural residential lot; however, for the sake of one parcel that is classified "committed," a brief history and analysis of area will be made which shall lead to the conclusion that this parcel (parcel A) and the Ferndale Terrace as a whole can no longer be practically used for agriculture.

A. History and Agricultural Impracticalities

The only possible crop of economic value to the area or landowners in the Walla Walla Valley on parcels of 9 acres or less is orcharding. Other agricultural activities normally found in the area are pasturing animals or growing alfalfa hay and seed. A letter from the local agricultural extension agent (see Attachment W in Appendix) testifies to the fact that such activities in the greater Milton-Freewater area should be at a minimum of 40 acres.

Orcharding requires the right types of soil, a protective location from frost, adequate irrigation supplies at reasonable costs, and parcel sizes allowing an economic return. All these qualities are found in the valley floor areas and not on terrace locations such as this area. Terraces have different soils (few rocks and stones which allow earlier fruit crops and corresponding higher prices which are the norm for valley bottom areas), are more exposed to cool or freezing air currents, and are costlier to irrigate because water will have to be either pumped up to parcels or deep wells drilled to reach water—both methods involving prohibitively high costs. Lastly, the desired sizes for orcharding (over 10 acres) are not large enough on the Ferndale Terrace to allow adequate return on investments made.

What is said above can be substantiated by reviewing old aerial photos of the area in 1939, 1955, and 1968. All show that orcharding has never been predominate here or even in the surrounding area. Since the 1955 freeze that killed many orchards in the Walla Walla Valley, only good areas were replanted where risks were least to be found. Other areas, like this area and surrounding

land, had more wet soils, less rocks and more alkali soils. Many non-agricultural related homes with small pastures and hay fields tended to locate in these areas, especially where soils were conducive for septic tank disposal systems. This has been a trend, especially in the last 15 years, because development on the valley bottom has caused many concerns about the high water table and its quality. Terrace areas are the only areas where soils have good qualities to allow rural residential densities and permit a view of the valley.

Since 1955 to the early 1970's rural residential dwellings have been sited here because of the reasons discussed above. In 1972 and 1979 county plans have recognized this development pattern taking place. Since 1979 a few more homes and partitions have occurred representing the steady and continued rural residential development pattern. About six to eight more dwellings are possible, based on the current zoning density and lot sizes found here.

The committed parcel mentioned earlier is 6.3 acres. It is bounded on two sides and partially on a third side by rural residential development. Also on two sides are paved county roads. A vacant single-family dwelling is located on the parcel. Consolidation of this parcel into adjacent resource parcels to the south and west is highly improbable due to its small size and potential incompatibilities involved with the adjacent rural residential development. The vacant house also takes up some of the small acreage, further reducing its size for agricultural use. The house would probably have to be torn down at too great of an expense to purchase the property for agricultural purposes. Utilities (electricity and phone) are on three sides of the Ferndale Terrace and are certainly capable of handling the limited additional development opportunities here. This limited development possibly also will not impact adjacent agricultural activities anymore than is present today.

Based upon all the facts presented above, a conclusion of developed/committed to rural residential use is proven. Applying Goal #3 to this area is no longer possible or practical.

Area: Tum-a-lum Terrace Rural Residential
(see

Map 18-54)

Number of Parcels	94
Average Parcel Size	4.2 acres
Number of Dwellings	88
Largest Parcel	18 acres
Smallest Parcel	.2 acre
Possible New Dwellings	40-45
TOTAL ACRES	394.7 acres

Findings and Conclusions:

1. Small, individually-owned parcel sizes place many of these lands into a non-resource category.

2. Large majority of parcels are occupied by a non-farm dwelling unit.

3. Significant acreages were approved by LCDC as developed rural residential properties in its March 16, 1984 review of the county's plan.

4. Terrace location separates or helps to buffer this rural residential area from agricultural activities occurring on the valley floor. Infilling of remaining land for rural residential homes should not create agriculture home conflicts.

5. Improved roads, utilities, and services are available, and soils are well-suited for septic tanks, all desirable situations for rural residential development.

6. Updating and correcting some mapping errors shows that several small areas within the terrace meets the developed criteria on pages 18-224 to 225.

7. The remaining parcels will be justified as "committed" to rural residential use using criteria in OAR 660-04-028.

Committed Justification Location. The Tum-a-lum Terrace Rural Residential Area is located approximately four miles north of Milton-Freewater near the Oregon-Washington State border (see

Map 18-54). It is also located approximately the same distance (four or five miles) to Walla Walla, Washington to the north. Most of the area under review is between the Walla Walla River and east side of State Highway 11. There are about 40 acres that lie on the west side of Highway 11 in the extreme northwest corner of the terrace. (Grandview Sub-area)

A. Description and History of Area - The Tum-a-Lum Terrace comprises 460-500 acres running from about the Tum-a-Lum School near its south tip to the Stateline Seventh-Day Adventist Church on the northern end. Over 400 acres are comprised of rural residential/hobby farm uses with the remaining 60-100 acres being commercial, agri-business, or industrial uses. Before the 1940's the area was basically a rural agricultural area, growing wheat and alfalfa along with some pastures and a few orchards. Commercial orcharding never could get established here for the same reasons explained in the Ferndale Terrace exceptions. Because Tum-a-lum Terrace was located between Milton-Freewater and Walla Walla in the middle of the beautiful Walla Walla Valley, many began to build rural homes within easy commuting distance to these towns' services. Rural residential home construction here was stimulated also by the construction of Highway 11 in 1947, connecting Walla Walla and Milton-Freewater. Steady rural residential growth and business development continued through the 1950's, 1960's, and early 1970»s. The County's 1972 Comprehensive

Plan, developed under Senate Bill 10 laws, recognized this area as a developing rural residential community. The Orchards District Plan, adopted in 1979 and using the state land use planning goals, attempted to reaffirm the existing development pattern of rural residential inter-mixed with commercial and agricultural business uses.

Since 1979 to the present (August 1984), there has been a steady growth of rural residential land partitions and home development in the Tum-a-lum Terrace area, based upon the County's findings that this area was a developed or irrevocably committed area to a non-resource use. While there are a few small remaining pastures, wheat and field crop parcels, the area is considered a rural residential community.

B. Public Facilities and Services - The Tum-a-lum Terrace area is served very well by state and county roads. The bulk of the rural residential area uses Tum-a-lum Road, a two-lane, paved county road. Several other paved county roads also provide excellent access here—Ballou and Stateline Roads. State Highway 11 to a lesser degree serves some of the rural residential parcels. Private and individual septic tank disposal systems and wells serve the existing developments' sanitation and water supply needs. Full service electrical and telephone utilities are easily available to all areas with extra-capacity capabilities. Tum-a-lum Grade School is only an 1/8 of a mile from the south tip of the terrace, having excess capacity for additional students (see Public Facilities Review). Milton-Freewater High School in Milton-Freewater serves the region's higher grade educational needs with additional capacity to handle the projected growth. Fire protection is readily available by contract from the Milton-Freewater Rural Fire District, whose station on Eastside Road only 1 .1/2 miles to the south, provides a very direct and quick response time capability. Police protection is provided by both the State Police and Umatilla County Sheriff Departments stationed at Milton-Freewater.

C. Boundary Description and Adjacent Land Use Analysis - The Tum-a-lum Terrace can be divided into two distinct sub-areas— (1) The Grandview Tracts area east of Highway 11; and (2) The Tum-a-lum Heights area east of Highway 11. Separate descriptions and findings of commitment will be discussed under these two sub-area headings that follow:

1. Grandview Tracts - Topography differences form the boundaries on the south and west sides of this sub-area. The terrace edge is located here. The north boundary is the Washington Stateline and the east boundary is Highway 11. Adjacent land uses below the terrace on the southwest and south edges are several wheat fields of 40, 40 and 28 acres. Along the northwest border of the Grandview Tracts sub-area is a 16 acre parcel, half in alfalfa and the other half in permanent pasture. On the east side are several existing businesses and a future gas and oil storage facility along Highway 11. North of this sub-area in Walla Walla County are several small wheat fields and a few rural residential homes. Long-range development plans here according to the Walla Walla Comprehensive Plan are for rural residential development at one and two acre densities. Present zoning reflects an interim use which has a 10 acre minimum lot size and permits a combination of agricultural arid rural residential uses.

The Grandview sub-area contains two parcels that fall into the definition of

committed lands. These two parcels labeled A and B on map referenced earlier are large enough to permit additional dwellings. The present two acre density could permit only four to seven new dwellings. One parcel is 15.4 acres; and the other is 8.5 acres and is under different ownerships. Current use of these two parcels involves a mixture of dryland wheat and permanent pasture. Most of the land is in wheat production. The two parcels have a sloping topography with a drainage gully running west to east in the southern portions of these properties.

The long-term use of these two parcels for agricultural purposes is considered impractical for many reasons. First of all, orcharding and row crops are not practical here because of the small sizes and little consolidation possibilities to comprise economic units. An area extension agent has testified by letter (Attachment W in Appendix) that row crops require at least 20 acres and usually more to provide reasonable returns on investment. The two parcels together only total 23 acres. Both parcels are large enough for orcharding but do not possess the desired soils, water and protection aspect found on valley bottom lands nearer to Milton-Freewater. More importantly than the size issue is the incompatibility aspect of operating intensive crops with their herbicide and fertilizer application requirements in an area surrounded by rural residential homes, a church and business uses. Such would be the case in the Grandview Sub-area if row crops or orcharding were tried. Secondly, the continued wheat and permanent pasture uses on parcels of this size are impractical also because the sizes are so uneconomical, lack consolidation opportunities, and eventually will give way to the predominate rural residential use occurring now and planned to occur in the immediate area and north in Walla Walla County. The limited development opportunities, the natural boundary separating farm uses from residential homes and the predominate rural residential pattern now in place here will certainly permit new residential development. Roads and services can most certainly handle the small number of additional homes permitted through zoning laws. Infill of rural residential housing will also fit into the overall future planning in Walla Walla County immediately across the stateline.

Conclusion- Based upon the above facts and analysis, a conclusion of rural residential development and commitment clearly shows that the application of Goal #3 can no longer be applied to the Grandview sub-area.

2. Tum-a-lum Heights- The boundary description and adjacent land use analysis for Tum-a-lum Heights Terrace sub-area is as follows:

    a. West-Highway 11 which is mostly business and rural residential uses on the west side of the highway;

    b. South-The terrace bluff serves as the boundary between this rural residential area and agricultural uses. Agricultural zoning below the bluff on the valley floor reflects existing pastures having rather small sizes of 4 and 15 acres and also several small hobby farms.

    c. East-The 100-year floodplain boundary and terrace bluff both act as the east border of the sub-area. Most of the area between the 100-year floodplain line and the Walla Walla River is permanent open space/river vegetation. Inter-dispersed are some small permanent

pastures varying in size from two to eight acres. The real border is the Walla Walla River and is the most effective barrier between the large irrigated and dryland wheat fields to the east.

d. North-The north boundary is the Washington-Oregon border. On the Washington side are several small pastures and rural residential homes. A slope difference also occurs here somewhat buffering this area from the land uses on the Oregon side.

There are about 15 parcels that can be categorized as committed with the ability to allow additional housing. There are about ten other parcels with portions above and below the terrace bluff whose acreage above in the rural residential area is either too small or already occupied to permit any additional development. These parcels shall be considered "developed."

Review of the committed parcels can be accomplished in four sub-area analyses below:

A. DeMotts Property - Area consists of two parcels in common ownerships, parcels A and B (See Map 18-55). Total acreage is nearly 29 acres—one parcel about 19 acres and the other about 10 acres. The property is located just south of the stateline on the west side of Tum-a-Lum Road. The land has been approved for a subdivision in April 1984, when the County gave preliminary plat approval. Site specific findings of rural residential commitment are largely based on owner and other expert testimony. These findings are found in Attachment X of the Appendix.

However, DLCD did not approve of these findings in their acknowledgement report of February 21, 1985. DLCD said that the justification was based mostly on agricultural difficulties (e.g. soil and climatic conditions) and thus not substantial evidence as required in OAR 660-04-028. The County has been given the option to rezone the property to a resource use or present additional findings consistent with OAR 660, Division 4 that will constitute substantial evidence. The following additional facts are presented to show substantial evidence of this property's commitment to non-agricultural uses.

Adjacent, incompatible land uses provide another compelling reason making the application of Goal #3 to parcels A & B on the Map 18-55 impractical. A review of adjacent land uses land uses will confirm this:

1. North boundary- Stateline Road, a paved county road, forms the north border of parcels A and B (the DeMott's property). North of this road, in Walla Walla County, Washington, are four small, non-farm parcels with four rural residential homes to the northwest of the DeMott's parcel (the largest property is 5.2 acres). A 12.7 acre parcel with two homes is immediately east of these properties which borders on the northeast corner of the DeMott's property. A 1.48 acre parcel directly across from DeMotts land has a recently improved gravel access road and incidental excavation indicating a potential new dwelling to be sited here.

2. East boundary- Six parcels with four dwellings and several small but well buffered portions of a larger lot of 20 acres (half of which is in the 100-year floodplain and separated by a bluff) border the DeMott's land. A 1.8 and a two acre parcel are vacant.

3. South border- Two more developed parcels of 4.8 acres and 2.1 acres, both with dwellings, are found along the south DeMott's property line.

4. West- A series of four small parcels ranging in sizes from .9 acres abuts the southwest corner of the subject property. There are six dwellings here, three of which are on the largest parcel (3.25 acres). While not immediately adjacent to the subject parcel, but in this same area, a doctor's office and another rural residential dwelling on less than a 1/2 acre add to the non-farm use predominance. A vacant 8.5 acre committed commercial parcel, previously approved by LCDC, lies just to the north of the non-farm uses just discussed. North of this parcel is another partially developed commercial property of 5.3 acres. The west half is a commercial nursery outlet. The east half is undeveloped. North of this parcel are several other developed commercial parcels and a dwelling. Existing businesses include a gas station and a woodstove les outlet. The above extensive parcelization and land use analysis clearly shows the dominance of incompatible, rural residential uses existing immediately adjacent to or within the very near vicinity of the DeMotts property on all sides. Fourteen rural residential dwellings border on portions of all four sides. An additional nine dwellings are in the near vicinity. A total of 20 small, rural residential parcels surround this property, of which 18 are individually owned. While the three commercial businesses are not immediately adjacent to the DeMotts land, there eventually will be similar incompatible commercial uses on the immediate border on undeveloped and previously acknowledged committed commercial parcels directly to the west. Overall, there are just too many interferences with the adjacent incompatible rural residential homes and businesses that make short and long-term agricultural use impractical.

The extensive parcelization and development pattern above has occurred steadily over a period of years to where finally it has become difficult and no longer practical to farm the DeMotts' land. Map 18-55 and Map 18-56 show that there has been a progressive and steady residential land division development pattern occurring on all four sides of the subject property. A description of this progression is as follows:

a. To the southwest, significant rural residential related parcelization occurred between 1972-1978. It was during this period that the County first regulated land uses and compiled records of development under planning laws prior to statewide land use goals. Since the County recognized the Tum-a-lum Heights area as a rural hobby farming area, it was zoned in 1972 for rural residential uses with a two acre minimum lot size. As a consequence, two 2 acre divisions occurred on the west side of Parcel B and Highway 11. Two new dwellings were developed on these divisions, plus a dwelling was constructed on one of the vacant remainder portions during the 1972-79 time period. A one acre division also occurred in this area in 1974 for a commercial use (doctor's office) fronting Highway 11.

b. On the west side of Parcel A (Demotts) several commercial land divisions and sales took place. One in 1978 resulted in the ownership transfer of a commercial

business (woodstove sales) on a 0.6 acre lot. The other division (in 1982) was a result of securing ownership of an existing commercial nursery from an adjacent ownership to the north of it. This nursery was started in 1973 and has expanded several times which now encompasses the west half of this 5.3 acre parcel.

c. Several non-farm related divisions have occurred along Parcel A's east property line. In 1979 an existing home and adjoining yard area (5.06 acres) was divided off and sold, leaving a currently vacant two acre parcel. Directly south, almost the same parcelization pattern occurred in 1981. However, a new rural residential dwelling was constructed on the larger parcel having enough area to accommodate the two acre per dwelling density requirement.

d. Obtaining parcelization and evelopment information to the north of Parcel A on the Washington State side has been partially successful. Actual lot lines and acreage data was secured from Walla Walla County officials, but land use information, partitioning dates and dwelling construction or placement records were not readily available. However, field inspections do indicate that a new dwelling on a probable recent partition is being developed directly north of Parcel A. The remainder of the parcels and homes across the stateline appear to have occurred in the 1960's or early 1970's, judging by the homestyles.

It is very evident that the above sequential rural residential development and division pattern has negatively impacted the usual and normal farming activities that occur on the DeMotts property in a similar manner as described in other Orchard District exception areas. A significant agricultural difficulty is the application of herbicides and pesticides that is inherent with intensive agricultural crops like onions or orcharding when such activities are near rural residences or similar non-farm uses. Only these two common area crop types would be practical under normal farming conditions on such small acreages; however, the drifting of these chemicals can and has killed or damaged gardens, flowers, and trees of rural residents in the Milton-Freewater area. Rural residents nearby surround Mr. DeMotts' land. This particular problem is highlighted in this area by letters from adjacent landowners, which are included in Attachment X of the Appendix. One owner has a commercial nursery business and has been very concerned by the use of herbicides and pesticides and their potential destructive damage upon his sensitive shrubs, trees, and other nursery stock. This nursery is oriented towards urban and rural homeowners rather than agri-related. Nursery stock is brought in for sale from a wholesaler rather than growing it on the site. The nursery is located along Highway 11 next to other existing commercial uses to take advantage of the retail trade from motorists traveling between Milton-Freewater and Walla Walla. Most of the nursery stock is for rural and urban dwellers for landscaping and of an ornamental nature. In other words, the nursery's stock is of the same type used by non-farm residents similar to those adjacent to the DeMotts property whose shrubs, gardens, and flowers are susceptible to damage from agricultural practices.

Other existing and potential incompatible agricultural activities associated with typical farming practices in the area are farm equipment noise problems, odd hour

working conflicts (e.g. wind machines, smudge pot activities) and the normal irritations and complaints of non-farm residents about dust from farming practices covering their yard, flowers, cars and buildings. Complaints such as these, including pesticide and chemical drift problems, very often bring expensive and potentially economically devastating lawsuits upon farmers. This is the situation with the DeMott's property where long-term agricultural use is impractical.

Overall Summary

The findings presented in Attachment X in the Appendix (showing many physiographic and economic resource impracticalities), evidence of the long-standing and continuing perception of the Tum-a-lum area as rural residential, along with the above parcelization history, ownership and other land use incompatibility factors, provides substantial evidence that the DeMotts[1] property (parcels A & B on Map 18-55) is irrevocably committed to non-resource uses, and therefore an exception to Goal #3 is justifiable.

B. Middle Tum-a-lum Heights - This area consists of a series of five parcels ranging in size from 4.8 acres to 9.8 acres (parcels C,D,E, and F on Map 18-55 and parcel G on Map 18-56. Three of these parcels are horse pastures, with rural residential homes constructed on them. The other two parcels (C and F) are both 4.8 acres. One is a horse pasture, and the other is a small cultivated field. Both properties C and F have dwellings located on them. Continued, long-term agricultural use of these committed parcels is impractical for several reasons.

The orcharding or row crops of these parcels are either too hilly, wet and/or small to be economical units for most agricultural activities typically engaged in the area. Again, the extension agent's letter says these sizes are not economical for row crops (20 acres) or even orcharding (10 acres). There would also be too many interferences with the adjacent incompatible rural residential homes to the west and south recognized as "developed" by LCDC. Along the east side of these committed parcels are also rural residential homes of which most are "developed" portions above the bluff. They are downwind of the subject committed parcels and the most likely source of complaints. Also, north (making a complete development ring around these parcels) is the proposed subdivisions on the DeMotts property, and additional incompatibility possibility. Lastly, there is virtually no chance of consolidating these parcels because of the individual ownerships with expensive home improvements.

C. Southwest Tum-a-lum - Again, small parcel sizes, incompatibilities, and in several instances irregular shapes of land, preclude long-term economic use for agricultural purposes in the sub-area. There are five lots (H through L) ranging in sizes from one to 16 acres and are shown on Map 18-56. All parcels except parcel H are in improved or unimproved pastures. Parcel H (5.3 acres) has a 3.5 acre orchard on it. Basically, the "developed" rural residential lots to the north, east and south create too many uncertainties for any intensive agricultural practices (e.g. spraying, fertilizer application, land consolidation opportunities) that would have to locate here to make any reasonable return on such small-sized parcels. The sub-area is really better suited for rural residential infilling. Such infilling would be buffered away from the valley bottom small pastures because of the topographic differences. Several small portions of the Tum-a-lum Heights exception were not recommended by DLCD in their February 21, 1985,

acknowledgement report. In particular, two parcels (K and L on Map 18-56) within the southwest Tum-a-lum subdistrict failed to meet exception requirements. The IOTC statement suggested that the County could either amend the plan and zoning of these two parcels into an appropriate agricultural plan and zoning scheme, or provide additional findings that would conclusively show substantial evidence of non-resource commitment. The County has maintained that non-resource commitment factors do exist and have been presented, but will provide a more detailed presentation of the facts showing why Goal #3 cannot by practically applied to parcels K and L in the southwest Tum-a-lum area.

Additional Justification

An area review of the development history and the encircling adjacent incompatible land uses will substantiate a non-resource commitment for the above two subject parcels. A verbal description of this non-resource development pattern is as follows (see Map 18-55 for visual guide):

3. The Tum-a-lum Heights area was and has been developing as a rural residential area long before state-mandated land use planning. Map 18-55 and Map 18-56 pictorially show that there was significant small parcelization and rural residential home development prior to 1972. The County's first planning effort in the early 1970's recognized the existing overall rural residential character and the residents' perception of Tum-a-lum Heights as a desirable and predominately rural home area, mixed and associated with small hobby farms. A two acre rural residential zone was placed upon the Tum-a-lum area along with a residential plan designated in July of 1972.

4. Further population increases in the 1970's along with complimentary planning and zoning directives stimulated further rural residential infilling and development. From 1972 to 1979 (prior to statewide planning goals and detailed finding requirements for partitioning and development approvals), a significant amount of small lot partitioning and overall rural residential development occurred throughout the entire Tum-a-lum area, and specifically adjacent to or in the immediate vicinity of subject parcels K and L. A detailed description of adjacent incompatible land uses and a further discussion of the progressive nature of this development adjacent to parcels K and L is as follows:

   a. North - Three small, rural residential lots with two rural residential dwellings immediately border parcel K (see Map 18-56). The dwellings are on one and two acre lots. A 4.6 acre pasture (directly to the north) approved as committed is void of home development at present. The dwelling on the two acre tract was constructed during the above-mentioned 1972-79 period and was partitioned off the 4.5 acre parcel. Two other acre lots were divided off this same parcel to the northeast with one rural residential dwelling unit in 1978 and the other rural residential home in 1981. Both of these lots and dwellings are in the near vicinity of parcel K and do contribute to the overall rural residential impacts upon it.

   b. East - East of parcel K (10 acres) are four small rural residential lots with four dwellings. One of these parcels (two acres) was partitioned between

1972-1979. The other three parcels pre-dated 1972 and are 2.5, 1.6, and 1.3 acres. Two of the four dwellings were constructed during the 1972-79 period—one of the pre-1972 lot, while the other dwelling was developed on the above mentioned two acre parcel divided prior to 1979. East of parcel L (six acres) that is also the subject of this committed exceptions are three two acre lots. One lot was partitioned in 1977, the other two in 1978. One rural residential dwelling was constructed in 1977, one home in 1980, and the last one in 1983. It must be noted that one of these lots and a rural residential dwelling borders on one-half of the south property line of subject parcel K which further highlights the fact that parcel K has individually owned, rural residential parcels and homes on nearly three sides.

c. South and West - South of subject parcel L (6-7 acres) is the remaining 23 acre portion of parcel L which is below and separated by a 35 and 50 foot bluff and creek also separate parcel K from its remaining six acre portion to the west, also on the valley floor. Both of these remaining portions are completely different in nature and are isolated from subject committed parcels K and L because they are on the valley floor, have high water tables, different soils, and thereby have totally contrasting land use histories and activities. These separated parcels on the valley floor are in small pastures. Parcel K has been intermittently cropped in the last five years, whereas parcel L has not been cropped or used for farming purposes for the last three to four years.

5. The above parcelization/development pattern chronology rather pointedly shows the significant presence of existing incompatible rural residential uses within or very near to parcels K and L. Altogether, there are 11 small lots (mostly two acre lots and none over five acres), individually owned, with ten rural residential homes on them that immediately border these subject parcels. This development pattern has occurred steadily over the past 10 to 15 years. It has become very difficult and impractical in the last (10) years to farm these two parcels due in part to interferences with adjacent rural residential development. Specific interferences are documented in a letter by the present owner which included in Attachment #6 (in Appendix). These interferences may seem minor; nevertheless, they are significant enough to frustrate efforts in making a profitable return. This is especially the case with the mentioned trespass experiences.

6. Other compelling factors showing that parcels K and Lean no longer be practically farmed include their non-commercial size, isolation from other farmland, and in the case of parcel L irregular shape—all of which restricts or eliminates logical consolidation possibilities. Parcel L is very irregularly shape and about six to seven acres in size. Only about four acres of this parcel is fairly level, having a long history of pasture use due to the small size. The other two acres are the slope part. No crops in the greater Milton-Freewater area can be economically grown on this size of ground (see Attachment X in Appendix). This is especially true if the adjacent land uses are non-farm in

nature (rural residential, commercial, industrial uses) and where expensive and intensive row crops (e.g. onion, berries) and fruit orchards (the only crop types with realistic monetary returns) are contemplated. There are no other agricultural lands above the bluff on Tum-a-lum Heights to consolidate parcel L with the exception of parcel K. This consolidation would still not create a viable agricultural unit for several reasons. First, the existing adjacent difficulties documented earlier. Second, the total size of consolidation would be about 16 acres, still too small for most all commercial farming activities in the Orchards District region. Again, the high cost and extreme risk of preparing the land for money returning crops in a predominately rural residential area is unrealistic. Third, the land and narrow shape and sloping nature of parcel L would not add any desirable physical qualities for farming, whether in combination with parcel K or on an individual basis. Likewise, parcel K (10 acres) is an uneconomical size. This fact is very well documented in the owner's letter (Attachment #6—See in Appendix).

7. Another fact regarding the consolidation issue is that it must be understood that parcels K and L have not been successfully farmed as a single unit with the remaining parent tracts on the valley floor for a significant period of years. As earlier and generally mentioned, parcels K and L are separated from adjacent lands to the south and west on the valley floor by a bluff of variable heights which does not show up dramatically on available USGS maps. Nevertheless, there is a topographic difference which has and does effectively isolate the land use activities of Tum-a-lum Heights and the Walla Walla Valley Floor. There are virtually no reasonable consolidation possibilities, including the combination of both parcels K and L, and even the entire consolidation with the remainder portions on the valley floor.

8. Rural residential development that would take place on parcels K and L would be incidental infilling and thus compatible. The additional six to eight dwellings possible would blend in with and be on the same topographic level as the ten existing dwellings in the immediate vicinity of Tum-a-lum Heights. Viewed another way, this potential development would be buffered topographically from valley floor lands by the bluff, as is the present rural residential development next to parcels K and L. The additional development on parcels K and L could be easily accommodated because the major access road is paved, soil conditions for septic tanks are excellent, and groundwater supplies appear stable and in good supply. Other public services and facilities available can also easily handle the potential infilling (see pages 18-230 for a more detailed explanation regarding availability and capacity of area services and facilities).

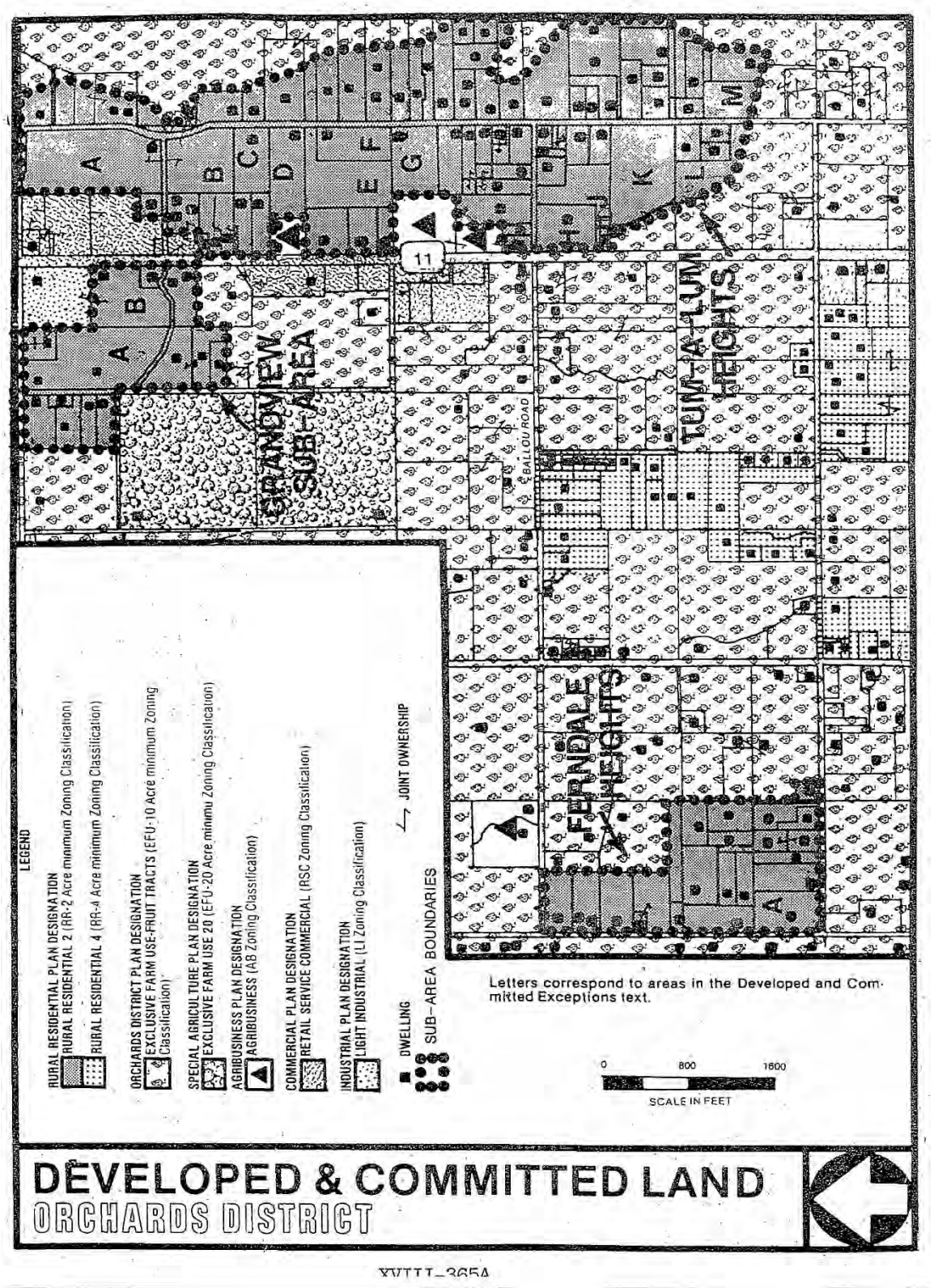
Conclusion

Compelling facts concerning resource impracticalities, rural residential neighborhood characteristics, and land use compatibility issues pertinent to taking an exception have been fully presented above. The County concludes that the exception is warranted.

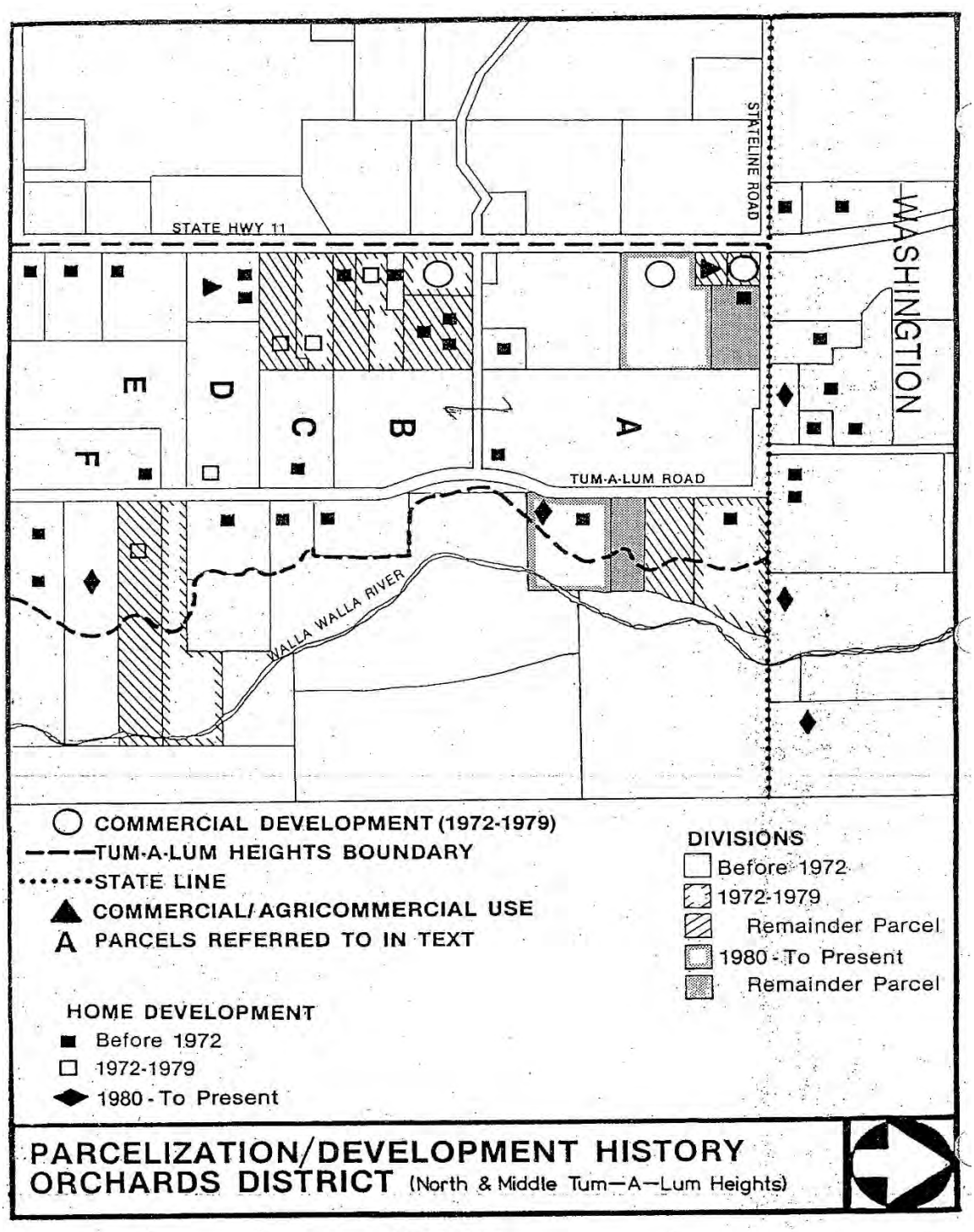
D. East Tum-a-lum - Committed parcels in this sub-area are mostly small portions of lots that are above the terrace bluff over-looking the Walla Walla River floodplain.

(Parcel east of Tum-a-lum Road). The largest size in this category is seven acres, with several other parcels just under five acres. (As noted earlier, inter-dispersed among these committed parcels are "developed" rural residential homesite on parcels of about two to three acres). All but one of the committed parcels (about five lots) have dwellings on them. Several of these lots are in pasture. Small lot sizes, individual ownerships, residential improvements and adjacent incompatible land uses eliminate or make impractical agricultural use of the committed parcels in this area. Discussion of these impracticalities has been previously elaborated upon in other Tum-a-lum Heights sub-area reviews. With only about six to eight new dwellings possible here, the impacts upon facilities and services will certainly not be of any significance. The remaining development that is possible would be infilling, and again buffered away from adjacent agricultural activities because of the topography difference (see Map 18-56).

Based upon the facts discussed above, all sub-areas in the Tum-a-lum Heights area are either developed or committed to rural residential use, and this extensive development pattern effectively precludes the application of Goal #3 to these lands.

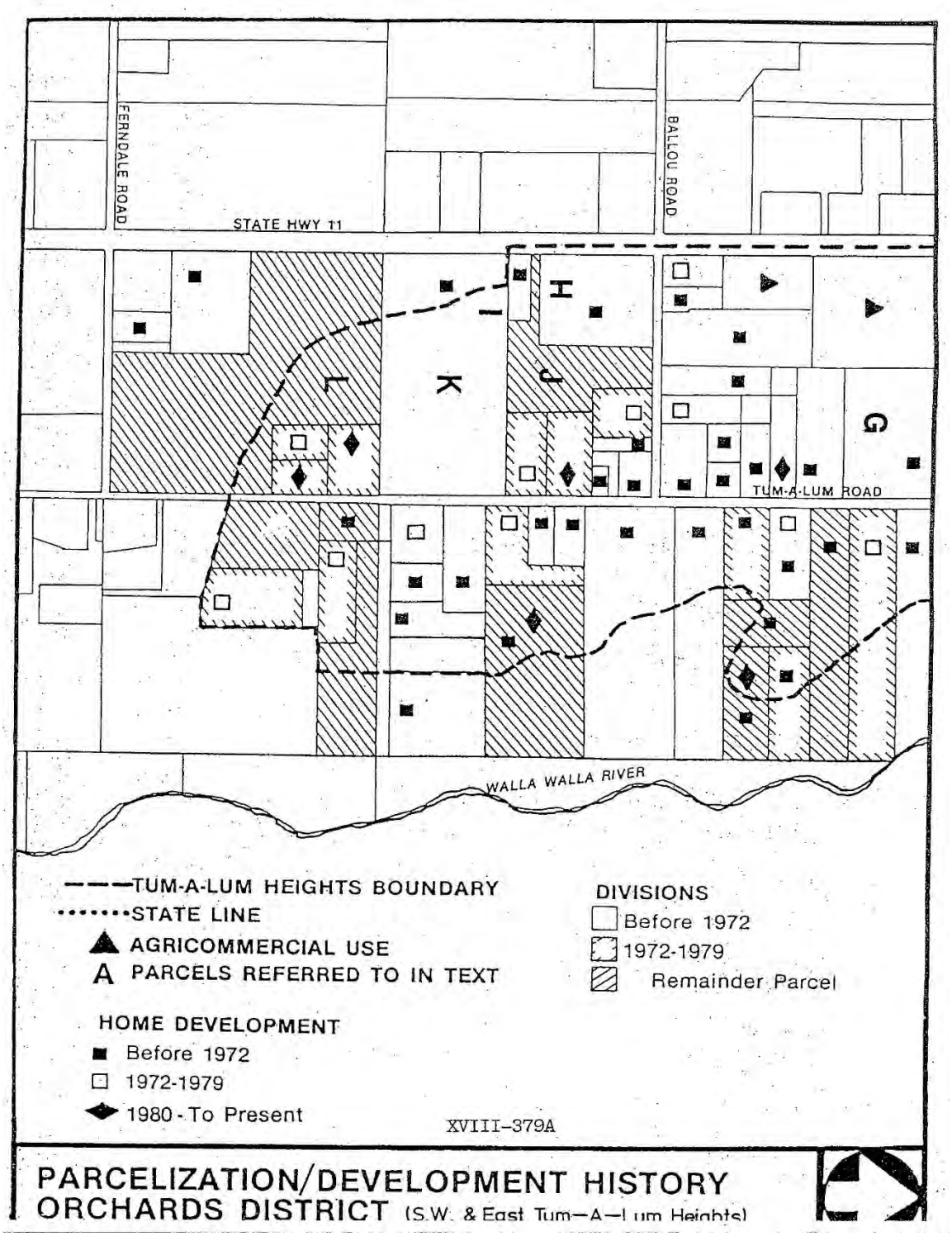


Map 18-54 – Developed & Committed Land, Orchards District (XVIII-365A)

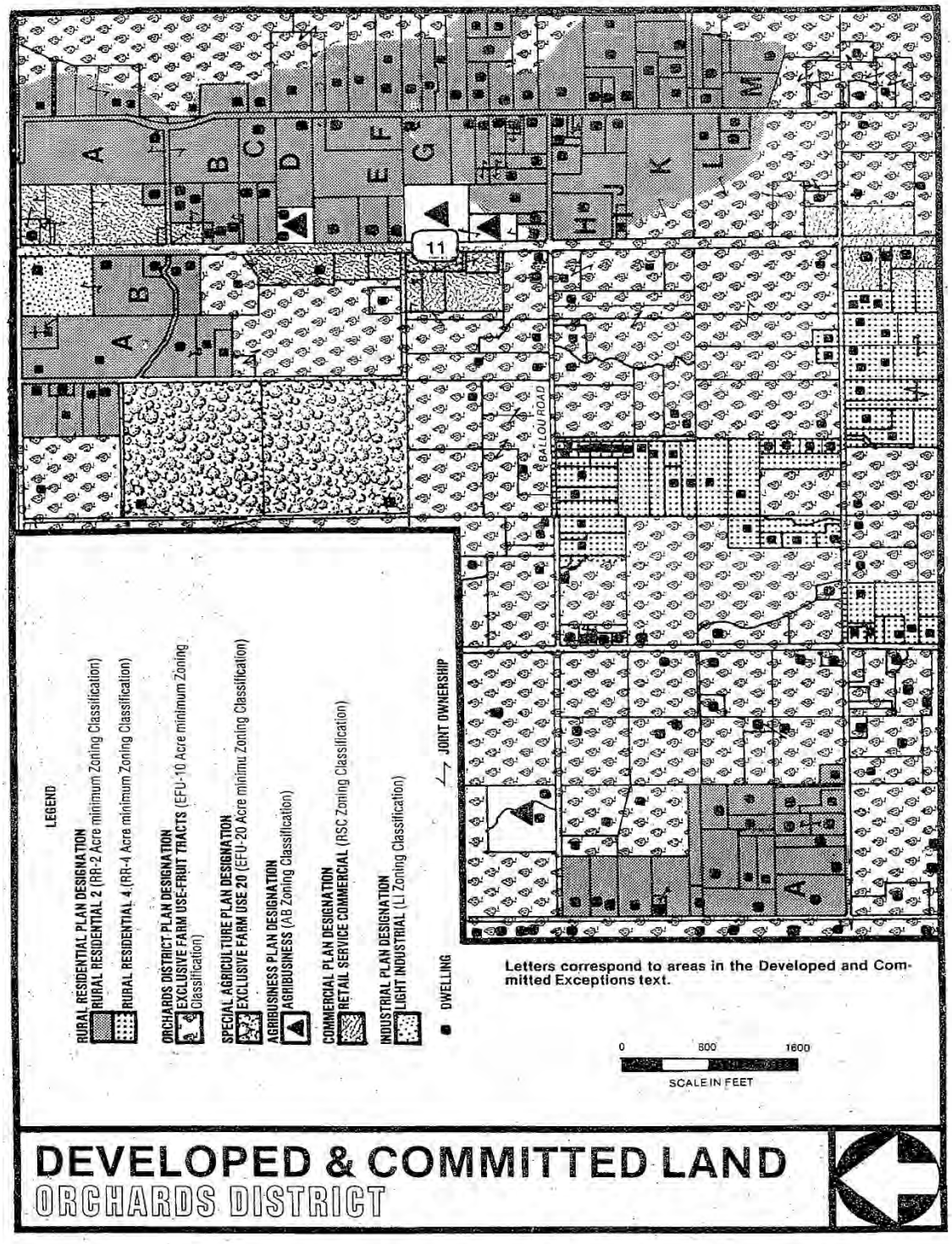


XVIII–375A

Map 18-55 – Parcelization/Development History, Orchards District (North and Middle Tum-A-Lum Heights) (XVIII-375A)



Map 18-56 – Parcelization/Development History, Orchards District (SW & East Tum-A-Lum Heights) (XVIII-379A)



Map 18-57 – Developed & Committed Land, Orchards District (XVIII-384A)

Area: Walla Walla River Rural Residential
(see Map 18-58)

Number of Parcels	58
Average Parcel Size	2.2 acres
Number of Dwellings	45
Largest Parcel	13 acres
Smallest Parcel	2.9 acres
TOTAL ACRES	130 acres

Findings and Conclusions:

1. Classified as committed/developed for non-resource uses on basis of extent of small, mostly individually-owned parcelization.

2. About 75% of parcels are occupied by a non-resource dwelling, further evidence of rural residential development.

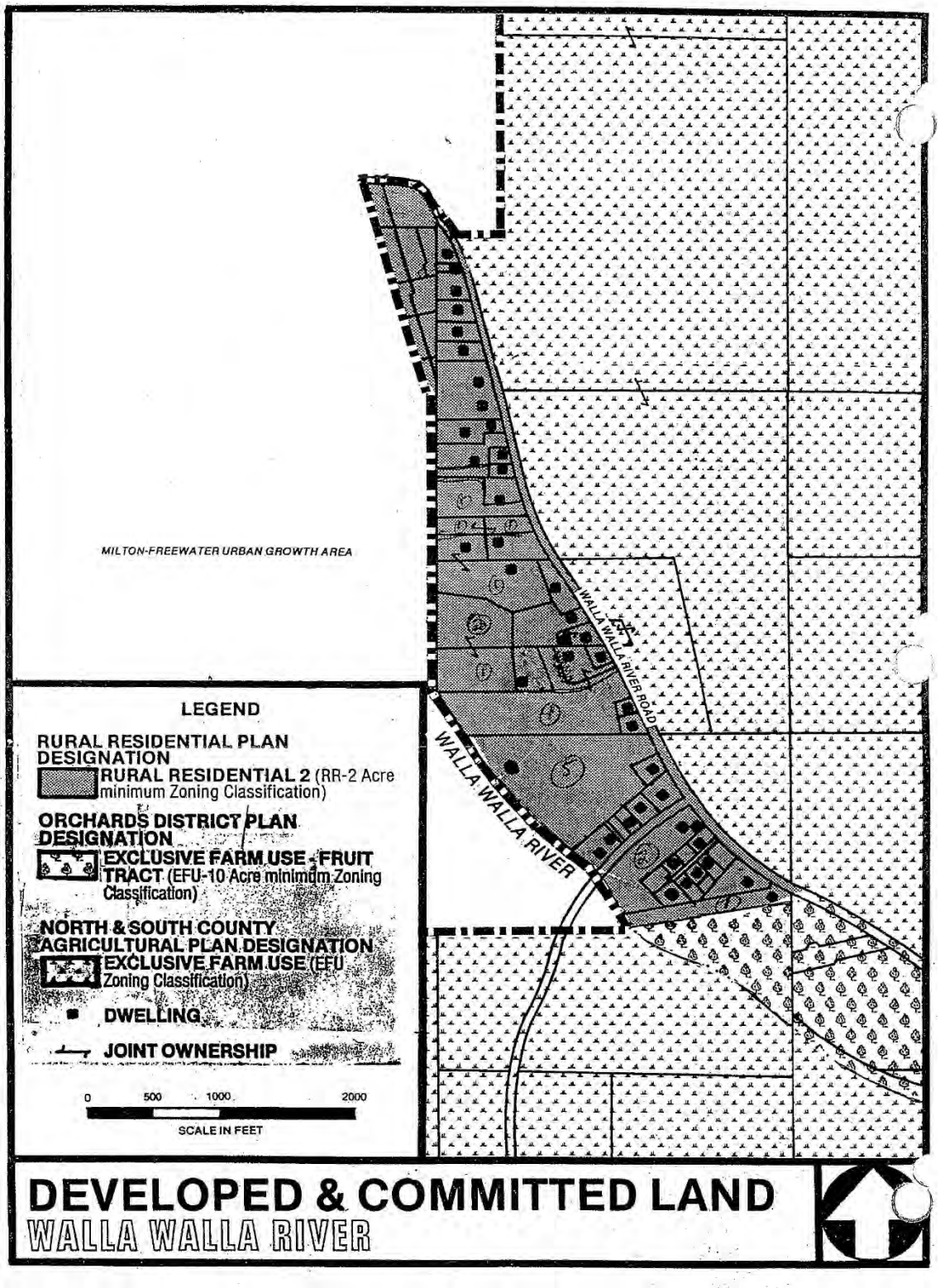
3. Although soil capabilities for agriculture are good (Class III), most of the land has been cut up and developed into rural residential-hobby farms where conversion back into commercial operations is now virtually impossible.

4. Majority of parcels are neither receiving nor qualifying for farm deferral. There are several small orchards receiving farm deferral, but they are bounded on three sides by other developed/committed lands. Their continued preservation and protection by exclusive farm use zoning is not warranted in light of the mounting conflicts with existing non-agricultural uses surrounding them.

5. Area is located near other non-farm uses; in particular, lands in the Milton-Freewater Urban Growth Boundary to the north.

6. Steep slopes and the Walla Walla River help isolate area from other agricultural uses with future infilling of additional rural residential homes not creating incompatibility problems.

7. Several paved county roads now serve area residents. Electrical and other utility services are also available. Limited potential homesites will not place excessive burdens upon capacity capabilities of the existing public facilities or services.



XVIII-386A

Map 18-58 – Developed & Committed Land, Walla Walla River (XVIII-386A)

Area: Valley Bottom "Developed" Rural Residential
(see Map 18-59)

Number of Parcels	137
Average Parcel Size	1.6 acres
Number of Dwellings	171 (includes a 40+ unit mobile home park)
Largest Parcel	4.9 acres
Smallest Parcel	.12 acres
Possible New Dwellings	20
TOTAL ACRES	228.5 acres

Findings and Conclusions:

1. These areas (five scattered sub-areas) are new exceptions areas established upon LCDC compliance order of removing the Orchards District Plan EFU-4 Small Farm zone and either rezoning these lands into EFU-10 or applying the developed/committed criteria for rural residential.

2. The county decided, based upon review of the area and the Orchards District Plan policies that the areas described herein meet the "developed" criteria on page 18-224. Subsequent development (very minor) would not be disruptive to adjacent agricultural activities, would not negatively impact the fragile water table, but would permit some infilling on vacant and/or substandard lots which was one of the policies in the Orchards District Plan for areas outside of the main orcharding area.

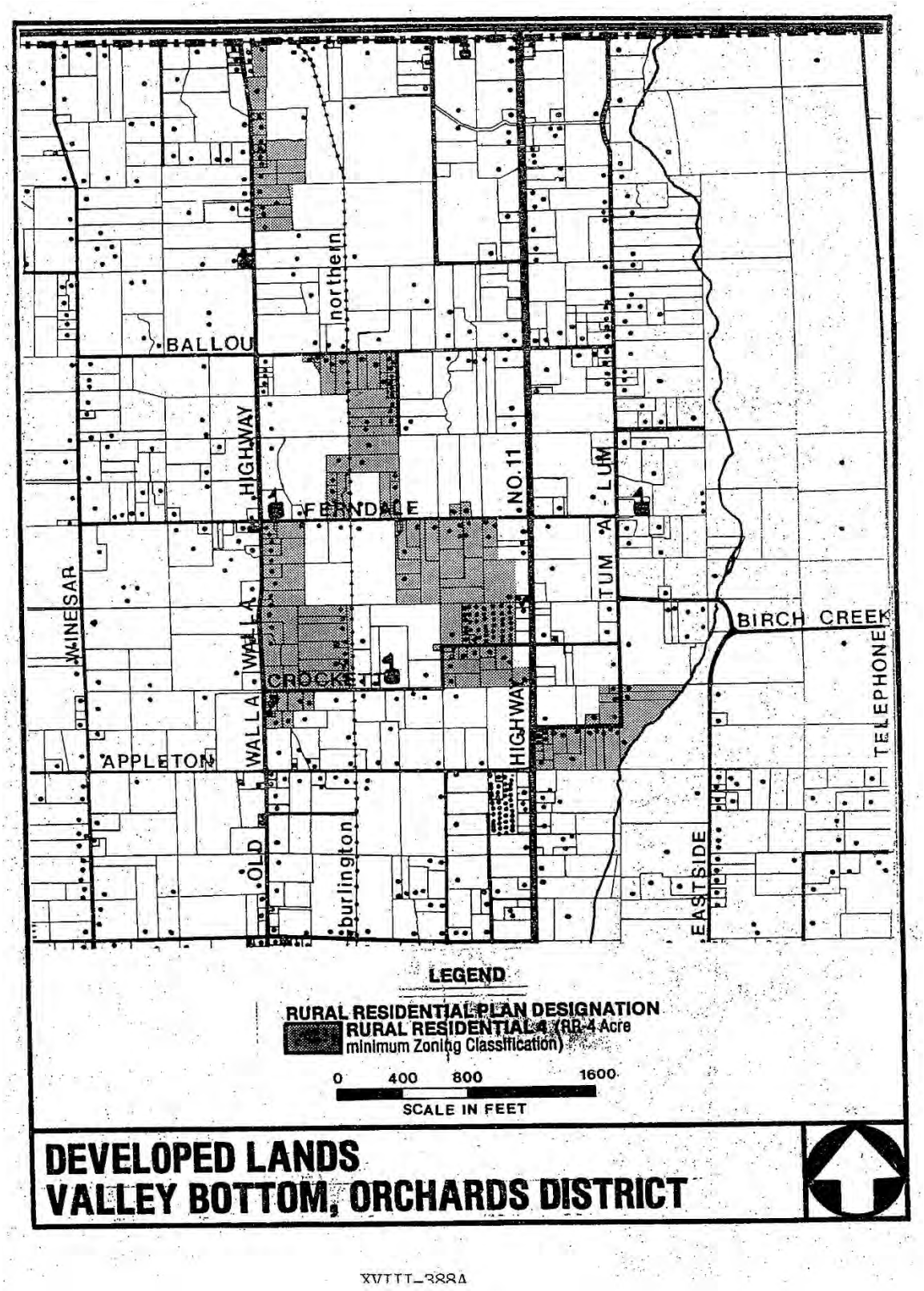
3. Most all parcels are individually owned and occupied by a dwelling unit.

4. Almost all parcels are under five acres, or if larger than four acres, the usable area is less than five acres, or the dwelling density is greater than one house per two acres.

5. All areas have improved roads, utilities and services adequate enough to handle the very limited development opportunities.

6. The limited development possibilities will not have any negative impacts upon orcharding, the most valuable crop in the region, because most all these "developed" areas are located away from orchard lands.

7. Several plan policies and the prescribed zoning density of four acres helps to reduce and contain rural residential housing in areas having high-water table problems, which was a major concern when developing the 1979 Orchards District Plan.



Map 18-59 – Developed & Committed Land, Valley Bottom, Orchards District (XVIII-388A)

RURAL RESIDENTIAL PLAN MAP SECTION

This section outlines growth and development guidelines in the rural residential areas of Umatilla County. This chapter is meant to bring together the various issues which deal with rural residential uses.

The exception statement that Umatilla County has prepared shows that significant rural residential development has occurred in the past. State planning laws and land use goals largely discourage non-resource development and greatly favor resource protection. However, the existing rural residential development is a reality. It is a long established and recognized lifestyle in Umatilla County.

General planning goals have been adapted to guide and control the location and design of recognized rural residential uses near agricultural areas, to minimize their impacts upon adjacent resource activities, to minimize costs to the public for demanded facilities and services. Numerous goals and policies are found throughout the plan which reflects the County's commitment to protect adjacent resource lands.

To guide rural residential development into appropriate patterns and location, the following goals have been prepared:

Goals

1. To provide an alternative lifestyle to urban living by providing adequate numbers of rural residential housing units in areas of the County where such housing is needed.
2. To allow flexibility of housing location, type and design in Umatilla County.
3. To preserve and enhance the rural character within existing and proposed rural residential areas until such time as conversion to other uses as deemed appropriate.
4. To provide rural housing needs at a density consistent with the level of public services and facilities that can reasonably be provided in that area and within the capability of the land to yield safe drinking water and accommodate septic systems.

During the development of this part of the plan, many land use issues were raised by a variety of interests. Policies needed to accomplish the identified goals and land use issues were largely developed by several area citizens' committee and from citizen/property owner comments at public meetings and hearings. It was obvious that some additional policies would be needed to pull the various environmental, public facility and property owner concerns together and to fill in some gaps so that a more complete plan was possible. Many of these reasons for these policies are reiterated throughout the plan.

As a result of public hearings, several proposed rural residential policies have been amended and several new ones have been adopted. The amended policies involve development densities and are specific to the West County. Originally all rural residential areas in the county were to have a two acre density. However, in areas like the East County, where significant rural residential infill is possible, and where uncertainties of water supplies and sewage disposal are either unregulated, or approvals continue on a site-by-site basis without area wide impact evaluations, an overall two acre density at this time could not be supported by rural residential residents in Western Umatilla County. Rather than allowing full density

development to accommodate expected population projections without adequate knowledge of possible impacts upon water supplies and quality, a less dense interim development pattern has been adopted with conversion to greater densities occurring only after conditions and standards in a set of "conversion" policies exist, or can be met. These conversion polices are listed on page 18-122 under Section G "Conversion Policies."

In and around Pendleton, several rural residential areas were zoned at a lesser density than the overall two acre density originally proposed. A four acre minimum lot size was placed upon lands having steeper slopes where larger areas are needed for septic tank drain lines and forage for pasturing animals. Also, several of these properties are located near commercial agriculture or in one instance near a wildlife refuge, where the large lot size minimum would provide a better buffer between these normally conflicting uses. In Central Umatilla County, the expected rural residential population is accommodated by the two and four acre zones, so no interim conversion policies are needed like in Umatilla County. A specific no conversion policy of the four acre zones in Pendleton/Central County area is listed on page 18-250.

In scattered locations on the valley floor within the Orchard District, compact and contained rural residential areas were zoned at a four acre density. This was a different zoning density (two acre minimum) from the terraced areas within the district because of the concern to protect the fragile groundwater quality of existing as well as future development on the valley floor. These areas were designated and zoned rural residential because of state planning goal requirements and adjustments to the 1979 Orchards District Plan to receive state acknowledgement. This zoning density (four acres) would only permit minor infilling of vacant lots because none of the parcels are large enough for redivision. This strategy would also maintain the same density as the original but unjustifiable and repealed EFU-4 acre zone which the Orchards District citizen planners felt was an adequate density to protect the groundwater quality, and a density which should not be increased, or otherwise could create groundwater quality problems. Expansion of existing or creation of new valley floor four acre minimum zoned areas are also strongly discouraged for the same concerns above. Several specific policies regarding the conversion to the rural residential four acre zoning for the Orchards District are listed on page 18-250.

Another additional rural residential policy adopted because of public hearings involves several unique situations occurring in both West and Central County rural residential areas. On several parcels in these two regions, plan and three are amendments were approved at greater densities than what has been approved as overall densities adopted in the 1983 Comprehensive Plan. Since the approved amendments have been tested against the state land use goals, the area involved is very small (total potential of less than 15 partitions), and each property has specific contract provisions, and a policy to permit their full development with a reasonable time frame has been adopted. Specific details of this policy are outlined on page 18-250 under Contract Zone Policy Section J.

A. GENERAL REVIEW POLICIES

Policy 1 - Future rural residential development will be reviewed to ensure compatibility with existing similar uses and with adjacent designated resource lands.

Policy 2 - New major development (those involving ten or more lots for rural home structures or related uses) that creates significant impacts upon existing facilities, services or requiring additions to or new facilities or services shall be carefully examined. Examination shall include land use compatibility questions and issues regarding adequate services provided and readily available.

B. DEVELOPMENT STRATEGY POLICIES

Policy 3 - To accommodate citizen desire and to help assure availability of rural residential property to as many income groups as possible, a rural residential use zone at several densities has been created.
Policy 4 - To maintain plan flexibility desired by many citizens, clustering will be strongly encouraged but not required.

Policy 5 - In designated rural residential areas, cluster developments shall be allowed on parcels of ten acres or larger.

Policy 6 - The overall density of a cluster development in designated rural residential areas shell be according to the prescribed zoning lot size minimum on the county zoning map. Homesite lots in a cluster development shall be about one-half acre per site. Cluster developments shall be processed and reviewed according to procedures in the County Development Ordinance and must meet all applicable criteria contained therein.

Policy 7 - A density bonus of 20% will be given for those who cluster rural residential development.

C. OTHER USES POLICIES

Policy 8 - Certain agricultural uses are compatible with rural residential activities and shall be permitted within designated rural regional areas according to limitations and requirements in the Development Ordinance.

Policy 9 - Public/semi-public uses, non-commercial greenhouses or nurseries and certain types of signs shall also be allowed with minimal requirements in rural residential areas.

Policy 10 - Other uses normally found within rural home areas or that support and serve rural residential uses and activities will be permitted within the rural residential zone based upon certain considerations and evaluations of the proposal. Conditional use procedures and standards in the Development Ordinance shall apply to these uses to help ensure compatibility with adjacent land use activities.

Policy 11 - Mobile home parks, apartments or other higher density housing developments are not in keeping with the rural character or service capabilities in these county areas and are not permitted within designated rural residential lands. These uses shall be encouraged to develop within urban growth boundaries around incorporated cities.

D. PUBLIC FACILITIES AND SERVICES

1. Roads

Policy 12 - To assure efficiency of road improvements, the county will adopt in the Development Ordinance road improvement standards based on the Public Works Director's recommendation for development in rural residential areas.

Policy 13 - Developers and property owners proposing new subdivisions, partitions, or other major development (e.g. involving 10 lots or more) that generate significant amounts of traffic shall be required to meet access improvement requirements in the Development Ordinance.

Policy 14 - In most rural residential areas, future road improvements to accommodate anticipated rural residential growth will be assured through irrevocable consent, agreement requirements listed in the Development Ordinance.

Policy 15 - Major developments defined above not locating on roads constructed to minimum county standards shall be discouraged. However, if developers agree to make necessary improvements to handle the expected traffic as determined by the Public Works Director, such development may be permitted, provided other applicable standards and requirements in the Development Ordinance are complied with.

Policy 16 - Access control shall be emphasized to minimize negative effects and traffic hazards generated by new development. Common or limited access and other strategies outlined in the Oregon Department of Transportation Access Control Guidebook shall be used whenever feasible. Also, Umatilla County Road Department regulations pertaining to access shall be considered when determining traffic safety situations.

Policy 17 - At the first plan update, a county-wide study shall be undertaken to develop an integrated comprehensive transportation plan and shall address among other issues rural residential road plans and their coordination and integration with County/City co-adopted road plans within urban growth boundaries of all the incorporated cities in the County.

2. Water/Sewage Disposal

Policy 18 - The. County will rely upon pertinent state statutes and administrative rules administered by the Department of Environmental Quality and the County Health Department for domestic water and waste disposal regulations as the means to provide and protect the quality of this important resource.

Policy 19 - Major development (ten or more lots) and/or other types of development requiring large amounts of domestic water and/or discharging sewage in quantities greater than state or local agencies regulate, shall meet any applicable federal laws or acts.

3. Other Service and Facility Considerations

Policy 20 - Large subdivisions (over ten lots) shall be sent for review to the appropriate rural fire district for consideration of owner/developer-provided fire equipment and/or other facilities (e.g. water storage) deemed appropriate by the rural fire district. Ingress and egress considerations for fire emergency equipment use shall also be solicited from the appropriate rural fire district and the County Road Department.

Policy 21 - Future rural residential development shall depend on close proximity and available to existing services and facilities. Major developments as previously defined shall be required to provide services and facilities beyond those that county facilities and services are capable of.

Policy 22 - The County will continue to try to provide minimum services based upon

budget availabilities. The County will also develop a mechanism to allocate improvements and/or other funds for roads and police service via a Capital Improvement Program or similar planning program at the first scheduled Comprehensive Plan update. Consultation with rural fire districts, other agencies involved in providing rural services and the citizens of Umatilla County will be an integral part in developing a comprehensive service/facility program.

E. NUISANCE POLICIES

Policy 23 - As a commitment to initiate solutions and help solve existing nuisance problems of dog control, illegal dumping, sanitation and odor problems relating to livestock and animals, land use incompatibility problems, etc. (all sometimes found in rural residential areas), the County will work with private property owners and appropriate regulatory agencies to develop solutions that will accomplish this policy. Basic control measures for livestock and animals have been incorporated with the "Rural Residential" zone to help control livestock and animal-related nuisance problems.

F. HISTORIC. SCENIC, NATURAL AREA POLICIES

Policy 24 - The County will thoroughly review new rural residential development as it may affect historic, cultural, and scenic values and resources.

Policy 2 5 - The County will adopt regulations and provide encouragements that are reasonable and enforceable to protect historic, cultural and scenic resources.

G. CONVERSION POLICIES

Policy 26 - Umatilla County will, in areas zoned for rural residential at four acre minimums but proposed for an ultimate density of two acres on the Comprehensive Plan Map, permit the higher density zoning when:

A. A water study has been completed in the general area showing that water supplies are available to accommodate the additional expected population at the maximum density; and

B. A study approved by DEQ has been completed substantiating that septic tank installations would not pollute groundwater supplies in the general area based upon the expected density of development; and

C. An area master road plan (including local streets and roads) has been developed and designed to facilitate the
additional traffic and population forecasted; or

D. The area is near or has ready access to urban and/or community facilities and services that have the capacity of being extended into the area should they be needed.

Policy 27 - Umatilla County will require that items A, B, C above be completed or item D has been developed before considering the approval or denial of any rural residential zoning.

Policy 28 - The County shall pursue federal, state and other available funds or grants and work with appropriate state and local jurisdictions and agencies in

initiating, coordinating and completing the above water and sewage studies. Area road plans shall be conducted according to policies and provisions in the Umatilla County Master Road Plan scheduled for completion by the first plan update.

Policy 29 - To avoid piecemeal and unrelated zoning densities and to help assure a more comprehensive development pattern, the County shall consider large block rural residential rezonings instead of individual property owner rezoning requests.

H. CENTRAL COUNTY FOUR ACRE ZONE POLICY

Policy 30 - There shall be no rezoning of parcels with a zoning classification of Rural Residential four acre minimum lot size, to the more dense Rural Residential two acre minimum lot size, unless it can be shown that:

a. The projected year 2,000 population has been accommodated, and there is a demonstrated need for additional rural residential acreages; and

b. The area proposed for the rezoning would not interfere with adjacent land use activities, and meet the requirements of the Goal #2 exceptions process, or its statutory successor; and

c. The proposed rezoning is consistent with the level of public services and facilities that can be provided in the area.

I. EAST COUNTY FOUR ACRE ZONE POLICY

Policy 31 - There shall be no expansion of existing four acre rural residential zoned areas nor rezoning of parcels with a Rural Residential four acre minimum lot size on valley floor acres within the Orchards District, unless it can be shown that A, B, and C in Policy 21 and B in Policy 28 are met or are applicable.

Policy 32 - A 45-day extension shall be granted to partitions with at least preliminary County approval, and a one-year extension for buildings with at least an issued zoning permit will be allowed that have been approved under EFU-4 acre zoning regulations, starting from the time of plan amendment adoption by the Board of County Commissioners repealing the EFU-4 zone.

Policy 3 3 - In the Tum-a-lum Terrace rural residential area where zone boundaries follow bluff or floodplain boundaries instead of property lines, the County shall allow the total property acreage (tax lot) to be counted in figuring usable acres for partitioning purposes in the more dense rural residential two acre zoning above the terrace. (In this case, however, no dwellings shall be permitted to be built below the bluff or within the floodplain area zone EFU-10).

J. CONTRACT ZONE POLICY

Policy 34 - Contract zone amendments approved for more dense zoning than prescribed in this plan shall have one year from the adoption of the plan to develop the property rezoned to the higher density. If the contract signers have not completed the development of the property that was rezoned within the one-year period, the right to develop at the higher density will

terminate, and the new plan and zoning will apply. An extension of up to one year may be granted by the Planning Commission if it is found that the development has been started but not completed due to extenuating circumstances.

COMMERCIAL

Commercial land uses are those activities providing goods and services to the public. Outside of urban areas, there are needs for commercial land uses comprised of three general types: (1) Rural Center facilities limited to sales of frequently purchased items such as gasoline and groceries primarily to the surrounding rural residents; (2) Tourist Commercial facilities needed by the traveling public (e.g. restaurant, service stations, and overnight accommodations); (3) Retail and Service Commercial activities comprised either of business establishments requiring relatively large sites for storage of merchandise such as farm machinery and lumber, or relatively small business catering to the rural market place.

There are locational considerations that qualify certain areas for each of these classifications. Proximity and access to intersections of major highways are vital for tourist commercial uses, while proximity to materials is adequate for retail service commercial uses. Water adequate for firefighting is needed for all types of commercial areas. Sewers may be required of heavily-used businesses (perhaps indicating the need for specific projects to locate inside urbanization areas). The distance from comparable, competing facilities areas, and businesses within urbanizing areas must also be taken into account.

Because of the individual nature of different businesses, the character of each area lends itself to a slightly different range of development opportunities. Certain establishments will require greater fire or police protection. Others will need more direct access to public sewage treatment facilities or approved public water systems.

This plan does not intend to require peripheral commercial enterprises, such as home occupations and the sale of agricultural products grown on the premises, to locate only in commercially designated areas. Also, residences and some light industries directly supportive of commercial activities may be compatible with commercial businesses (e.g. overnight tourist facility with manager's quarters). Discussion of each type of commercial land us follows. The plan map, however, does not distinguish the specific type of commercial use, but rather designates these 400 acres simply as commercial. It should also be noted that the County is also taking a developed or irrevocably committed exceptions to all but 33 acres of this land. Only two areas do not have any commercial development, and the Count proposes to take a needs exception for this one area. They are parts of two freeway interchanges in the West County area.

COMMERCIAL RURAL CENTER

Primarily local rural service in nature, this classification is intended to serve nearby rural development. Although only in use on one small parcel, it is expected that this land use classification will be assigned to specific locations as rural development patterns occur. Developers of larger blocks of residential lands are encouraged to investigate the possibilities of incorporating small commercial services facilities in to planned unit development proposals. Rural residential properties should also be considered for this use when the need becomes apparent. Large industrial facilities, especially those of labor intensive nature, may also spawn the need for nearby commercial services. Designating land under this classification shall be based upon establishment of need, proximity to the residential or industrial areas to be served, safe vehicular access, and minimized size necessary to provide the service.

TOURIST COMMERCIAL

Tourist commercial lands are those intended to serve the traveling public along major traffic corridors and/or appropriate recreational locations. Facilities may include service stations, restaurants, and various forms of overnight accommodations. An example of an appropriate recreational siting, the Hat Rock tourist commercial area is situated near a regional park and offers tourists convenient services without incompatible infringements upon adjacent land uses. Most of the tourist commercial areas in the County's forest lands, however, are not classified as such. Rather they are included under one of the Multiple Use Zones. Development of new tourist commercial facilities in these areas is allowable as a conditional use. Outside of urban growth boundaries, sites established to serve Interstate 1-84 (previously I-80N) travelers include access points at Buttercreek, Westland, and Barnhart. Additional tourist commercial location along 1-84 and other major roadways may be identified during development of the County Transportation Master Plan. Until then, such potential sites may be considered eligible for private and public park locations under the conditional use criteria of ORS 215.213.

RETAIL/SERVICE COMMERCIAL

The great majority of commercial facilities are intended to develop within urban and urbanizable lands. However, specific commercial activities require larger sites than may be available within urban growth boundaries and are encouraged to locate in those rural industrial areas that allow commercial uses. Should increased rural needs for rural "retail/service" designations surpass urbanizing and industrial site availabilities, additional rural lands may be classified commercial upon demonstration of (1) Need for that additional site; (2) Non-availability of appropriate sites in urban growth boundaries and rural industrial areas; (3) Adequate services for that commercial activity; and (4) Compatibility with surrounding land uses.

Existing designated "retail/service" areas shall provide adequate off-street parking areas and be designed so that ingress and egress do not hinder traffic on existing streets. Landscaping shall also be provided on new businesses or expansion of existing businesses, to provide for an aesthetically pleasing setting. Lands classified as retail/service commercial in the east county area occur as nodes along Highway 11 north of Milton-Freewater. Many small businesses, several vehicle sales facilities, a large shopping center, and scattered industrial firms have been developed, which have created a strip of commercial development. In 1979 a citizens committee recommended to the County Board of Commissioners a consolidation of the existing development; hence, the present six nodules of commercial.

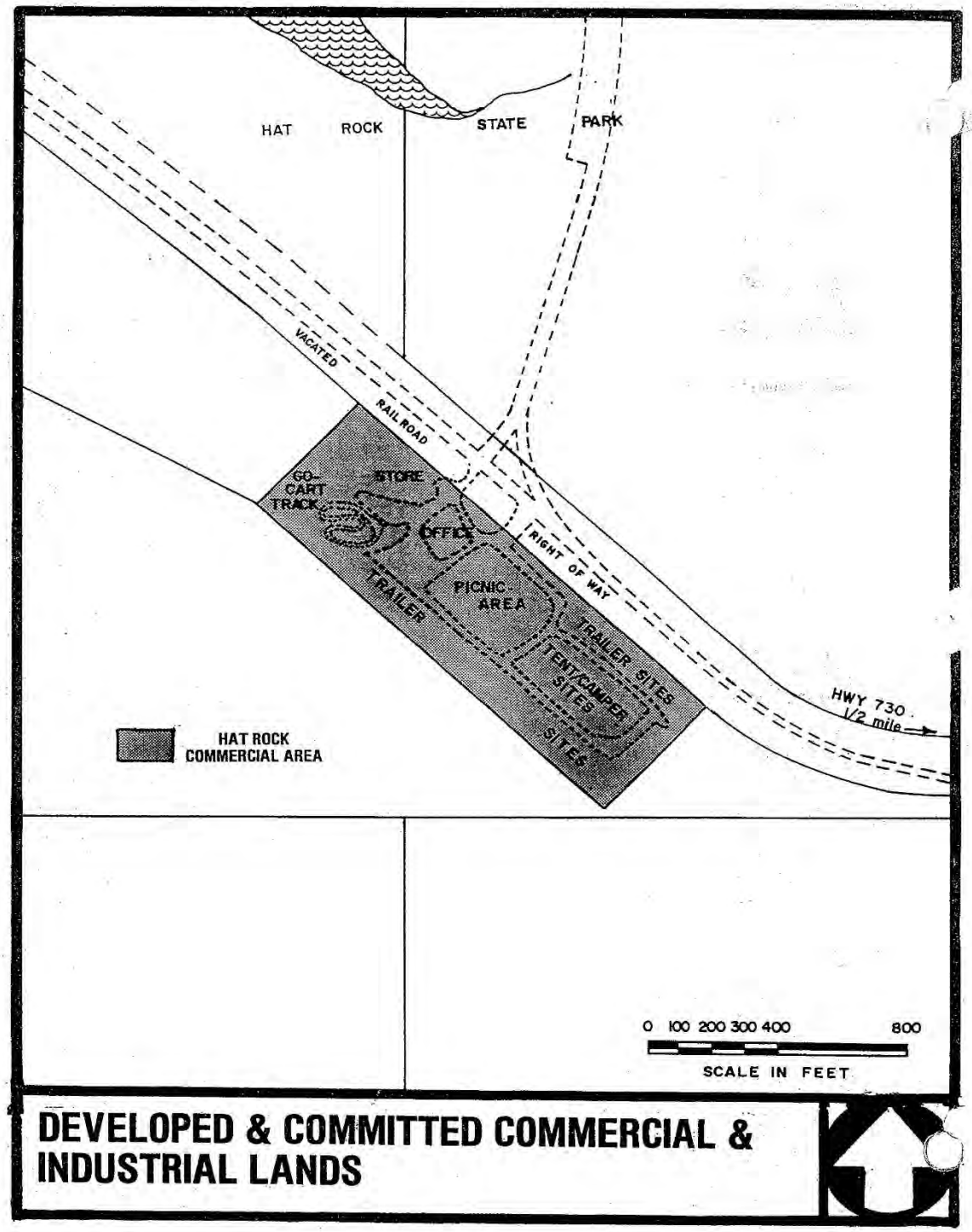
New business in the east county area shall be limited to these six commercial nodes along highway and should be small-scale (under 4,500 sq. ft. in the floor area) and oriented to the rural market in the area. Larger facilities may be allowed conditionally if the four criteria listed in the first paragraph of this section can be met. Additional large-scale development such as the shopping center shall not be permitted.

EXCEPTION AREAS

In evaluating the commercial lands inventory of the county it became evident that several areas outside urban growth boundaries had developed into commercial centers. This makes it possible for the county to designate the identified commercial areas for commercial use using the requirements of ORS 197.732(1)(a) and (b) and the OAR 660-04-025 and 028. Only two small areas along 1-84 were included for tourist commercial development through the process listed in ORS 197.732(1) (c) and OAR 660-04-020. A majority of the commercially designated lands are located in the west portion of the county and is the first area covered below.

West County Commercial Hat Rock (Area #6)
(see Map 18-60)

Hat Rock is an existing commercial area adjacent to Hat Rock State Park. This 15 acre piece of property is under single ownership and consists of a convenience store, mobile home park, overnight facilities, and picnicking areas. Detailed mapping has been provided that depicts this development. A majority of the property is already developed.

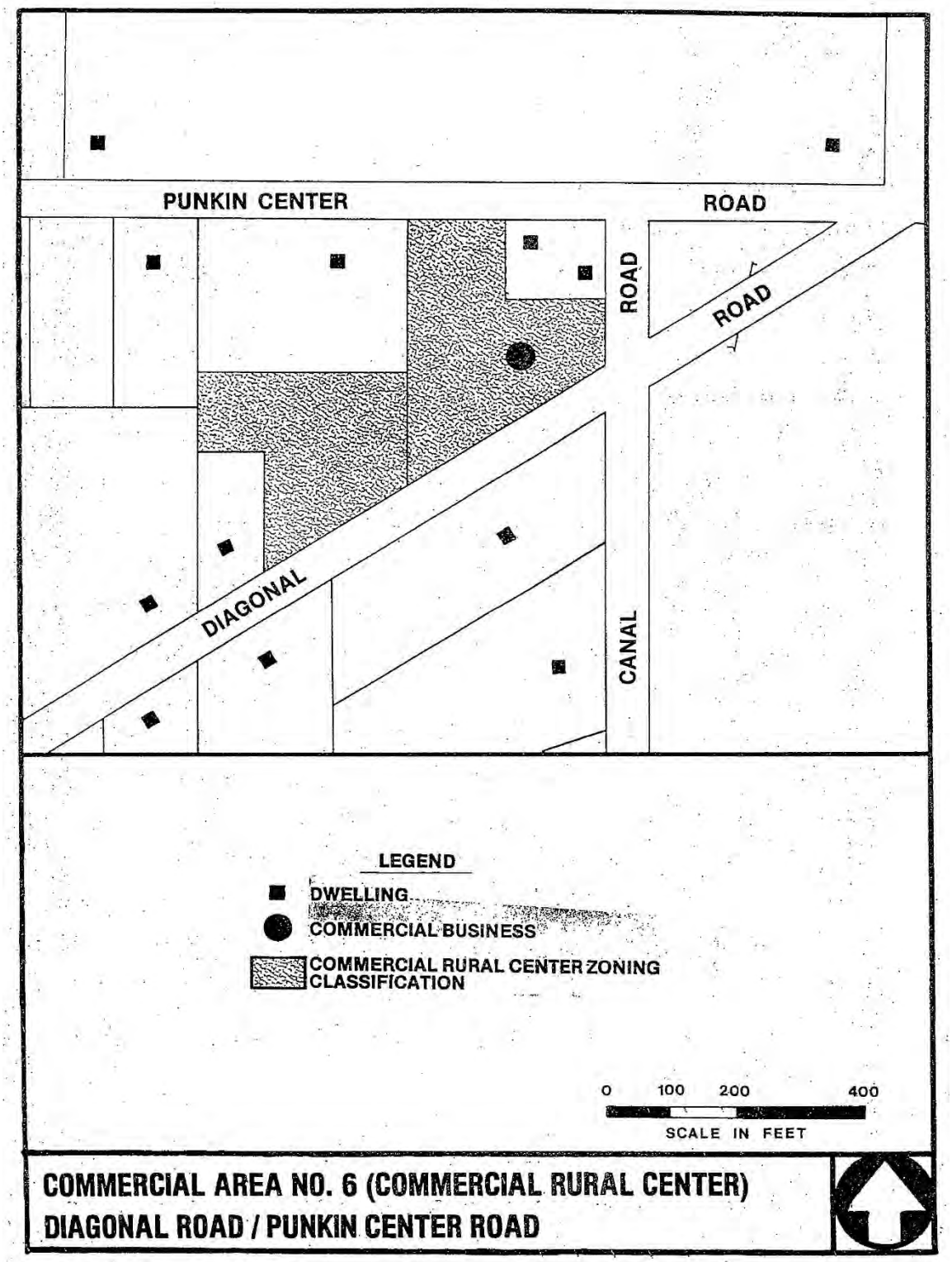


XVIII-407A

Map 18-60 – Developed & Committed Commercial & Industrial Lands (XVIII-407A)

Diagonal Road/Pumpkin Center Road (Area #7)

The Diagonal Road/Pumpkin Center Road commercial area is the only area that has been identified for commercial rural center use. The site contains 2.78 acres and is located at the intersection of three major roads. Currently, a convenience store and gas station occupy this developed parcel. The location of this site is centrally located to a large developed rural residential area located northeast of Hermiston. The county considers this site developed under the requirements of ORS 197.732(1) (a) and OAR 600-04-025 (see Map 18-61).



Map 18-61 – Commercial Area #6 (Commercial Rural Center) Diagonal Road/Punkin Center Road (XVIII-407B)

Highway 395 (Area #8)

This commercial area stretches from the north Urban Growth Boundary of Hermiston and the south Urban Growth Boundary of Umatilla along U.S. Highway 395. This area is a rapidly developing commercial and light industrial area between these two urban areas. Many businesses have located in the area to take advantage of high site visibility, resulting in several commercial businesses. Setting back from the highway are several warehouses, light industrial uses, and a couple of automobile wrecking yards. Originally, the entire area was proposed for light industrial use, but a land use study conducted by the County indicated that 38 commercial businesses were located along the highway and include several car dealerships (both new and use), mobile home sales, real estate offices, auto repair, and professional offices. Approximately 80% of the 160 acres of land designated for commercial in this commercial area are already developed.

The commercially designated lands in Area #8 are generally surrounded by industrial uses. A lengthy discussion on the adjacent industrial lands is included under the industrial lands exception statement. A majority of the property in this area contains Class VII soils and is not classified as an agricultural soil. Therefore, because of the development in this area and poor soils, the County has designated this area for commercial development (see Map 18-62 and Map 18-63).

[NEW] GOAL 14 EXCEPTION Added through Ordinance 2004-01 adopted September 22, 2004.

1. The 2004 exception update.

In 1983, the county described the kind of commercial and industrial uses that existed and were anticipated to develop in the Highway 395 area. As part of the special needs exception, the county adopted the RSC and LI zoning designations for the area. The legal findings and supporting evidence to justify commercial and industrial development were part of the special needs exception approved by LCDC.

At that time, neither the county or LCDC thought it necessary to state whether the types of commercial and industrial uses that existed and were anticipated to develop in the Highway 395 area could be best described as "urban" or "rural" uses. It was in 1986 that the Oregon Supreme Court issued its opinion in the case of *1000 Friends v. Curry County*, in which it said that, in addition to taking exceptions to Goals 3 and 4 to allow non-resource uses on rural land, it was also necessary to determine whether the non-resource uses to be allowed on the exception land could be considered urban uses. If the proposed uses qualify as urban, then, the Supreme Court said, a Goal 14 exception would also be necessary. Thus, while Umatilla County described the kinds of commercial and industrial uses to be allowed in the Highway 395 area, the exception did not state whether those uses should be labeled "urban" or "rural."

Since the *Curry County* decision in 1986, LCDC has never adopted any definitional rules that would apply to areas like Highway 395 for determining whether previously allowed uses fit within the "urban" or "rural" classification. This 2004 exception

update is based on the assumption that the kind of development permitted by the county's acknowledged RSC and LI zones is urban rather than rural. (As an alternative finding, the county believes that the particular circumstances relevant to the Highway 395 area support the conclusion that the development allowed in this area is rural in nature, in which case it is not necessary to address the Goal 14 exception criteria.) Therefore, this exception update addresses the approval criteria in OAR 660-014-0030, entitled Rural Lands Irrevocably Committed to Urban Levels of Development. That rule provides in relevant part as follows:

> "(3) A decision that land is committed to urban levels of development shall be based on findings of fact, supported by substantial evidence in the record of the local proceeding, that address the following:
>
> "(a) Size and extent of commercial and industrial uses;
>
> "(b) * * *;
>
> "(c) Location of urban levels of facilities and services; including at least public water and sewer facilities; and
>
> "(d) Parcel sizes and ownership patterns."

All of the information necessary to respond to the three approval criteria listed above was provided as part of the 1983 exception package that is incorporated into the county's comprehensive plan. LCDC has already deemed that body of evidence legally sufficient to support the conclusion that the existing level of development (as of 1983) and other relevant factors make the Highway 395 area irrevocably committed to the commercial and industrial uses – which uses are today deemed to be urban – allowed by the RSC and LI zones. That conclusion of law is part of the county's acknowledged comprehensive plan. The development that has occurred in the area during the past 20 years has been consistent with the 1983 special needs exception and thus provides further support for the determination that the land is committed to urban levels of development in accord with OAR 660-014-0030.

In response to the criteria in subsections 3(a), (c) and (d), Exhibit B shows the level of development that existed in 1983, and Exhibit C shows the extent of development that exists today. The updated information demonstrates that about 95% to 98% of the properties in the Highway 395 area now have some level of development and capital investment. Moreover, as anticipated in the comprehensive plan, the Highway 395 area has been successful in supporting the creation of new jobs. As the area has become a vital employment center, the distinction between the RSC and LI properties has been blurred. Many of the new businesses are located on adjoining RSC and LI properties. It is estimated that the owners of approximately 55% of the parcels in the RSC zone also own or control adjoining properties in the LI zone.

In conclusion, the updated evidence regarding the development patterns in the Highway 395 area demonstrate that the lands within that area are already developed at or else are irrevocably committed to urban levels of development in satisfaction of OAR 660-014-0030. Therefore, development consistent with the existing RSC and LI zones can continue, thus protecting the property owners' reasonable investment backed expectations.

GOAL 14 EXCEPTION (ADDENDUM)

The following summarizes the interdependence of the RSC zoned properties with the LI zoned properties in the Highway 395 area and that area's vital role in maintenance of the Hermiston area's heavy industry.

• **RSC Zone**

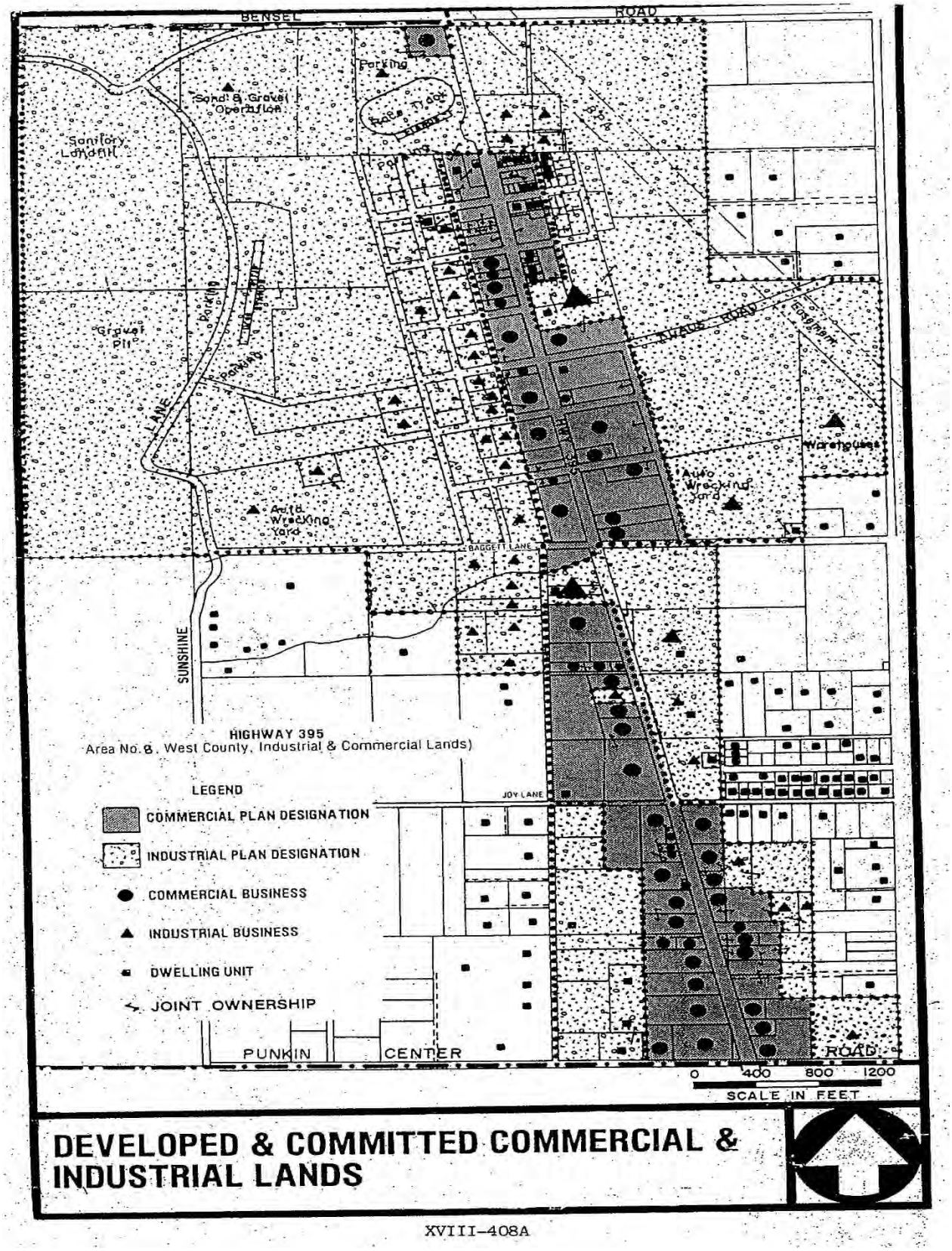
This property is unique in its location to local markets, conveniently located between the cities of Hermiston and Umatilla as well as strategic trade with a very large market across the river in Washington State. The Tri-Cities market is comprised of the cities of Kennewick, Richland and Pasco, approximately 250,000 people that have higher than the national average of income per household. We are just beginning to realize the commercial retail trade advantage we have in attracting this particular market to Oregon businesses (Hwy 395) and the Hermiston area. There are 20,000 cars/day traveling in the 395 corridor with 4-lanes to facilitate efficient flow, it is just a 30-minute transit time to travel from the Tri-Cities to our market. The location advantage is unique in the state and is only present in two other locations, the Portland/Vancouver Washington location and Ontario/Nampa Idaho location. This zone was 80% committed in 1983 and has grown to approximately 100% committed today.

• **Light Industrial Zone**

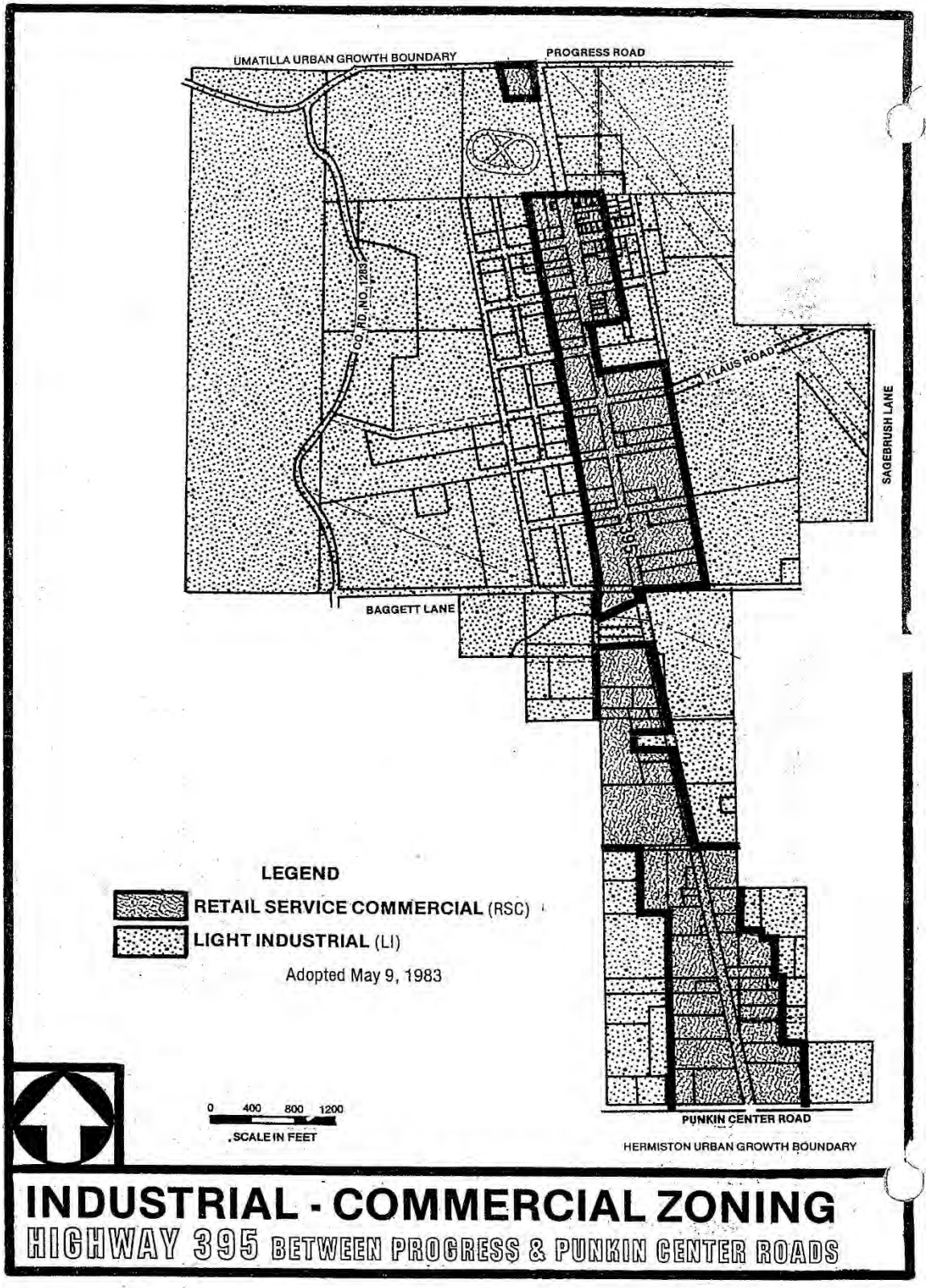
The 1983 Comprehensive Plan considered this property as best suited for a LI zone and was correct in doing so. The property is not resource land; it had significant, committed development in 1983 that has grown to the point that it is clearly 95-98% committed today. It has high voltage power lines, high-pressure gas lines and an established transportation system. The property's highest and best use was in 1983 and continues to be development as a LI zone. Also, the development in this zone augments the heavy industrial zones in western Umatilla County. The LI zone accommodates the businesses that support, build, repair, transport product, inventory parts, design, engineer and install processing/manufacturing lines for the industrial development in western Umatilla County. During production runs by any of the processors, if a line goes down it can cost that processor $1,000's of dollars/hour, it is extremely important to these industrial processors to have the type of support the businesses located in the LI zone provide.

The combination of these two zones has been an important component to the growth the Hermiston area has experienced and is equally important to Hermiston's future growth potential as well. These two zones which encompass the (395 corridor) are employment centers supplying approximately 750 jobs to our local economy and they need to be preserved with the ability to continue to grow.

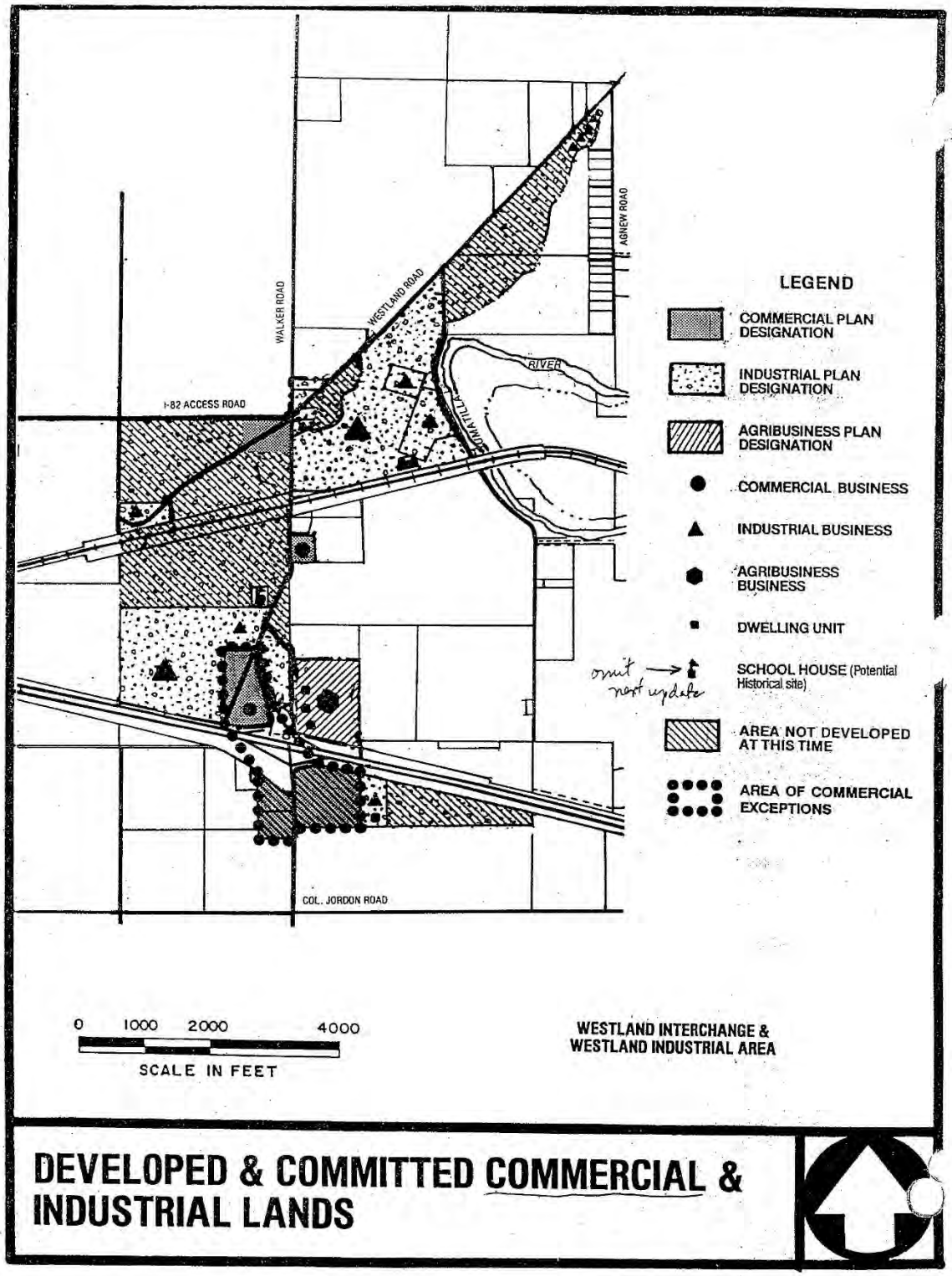
Note: This is a brief summary of the oral testimony given by Steve Watkinds and David Hadley presented at the 9/9/04 Umatilla County Planning Department workshop/hearing. The complete testimony is on the taped record of the proceedings.



Map 18-62 – Developed & Committed Commercial & Industrial Lands (XVIII-408A)



Map 18-63 – Industrial – Commercial Zoning, Highway 395 between Rogers and Punkin Center Roads (XVIII-408B)



XVIII-409A

Map 18-64 – Developed & Committed Commercial & Industrial Lands (XVIII-409A)

Westland Interchange (Area #9)

Commercial Justification

The Westland Interchange consists of 45 acres of commercial designated land in the northwest, southwest, and southeast quadrant of this 1-84 interchange. The northwest quadrant contains 14 acres and is surrounded by industrial designated lands (see Map 18-65). Much of the land surrounding this land had been developed for industrial use. A railroad tie yard, where railroad ties are stored, sorted and sold is located on the site. To the west and north are several buildings that are associated with a horse racing track and an industrial warehouse. To the east is a major livestock sales yard and the south is Interstate 1-84. The property is considered developed by the County. The southwest and southeast quadrants contain 11 acres and 13.6 acres respectively. The southwest quadrant has never been developed, but the County believes an exception pursuant to ORS 197.732(c) is justifiable and will discuss this area in detail. The 20 acres in the southeast quadrant meets the requirements for irrevocable commitment as outlined in ORS 197.732(b) in the estimation of the County.

The southeast quadrant lies between the county road and an industrial building and use along the south side of the interstate. The site lacks irrigation water which results in the soils classification of the property being Class VII soils (see discussion of Westland Industrial area). The land is used at times for the storage of truck trailers and trucks. Recently a proposal was made by the landowner to construct a truck/car fueling and repair facility, cafe and motel on this site. Presently the site has an access road on two sides that provide access to the industrial use to the east. A domestic well is located on the industrial developed parcel that can serve this area. Electrical power lines are located along the north side of the property and would supply electrical needs in this area.

The site is well buffered from lands devoted to resource use. The freeway is located on the north and has a 300 foot right-of-way. The county road is located on the west and raises to cross over the freeway. This acts as a berm and protects the farmland to the west which is up wind from the proposed commercial area. Because the road is built-up, the right-of-way for the county road widens at the proposed commercial area which makes an even wider buffer between this area and the farmland to the west. To the east is developed industrial property which buffers the commercial area from farmland to the east. The land to the south is not farmed and does not have a water right. It is highly unlikely that the area will be used for agriculture because the area is in a critical groundwater area and new permits for agricultural irrigation are restricted.

The 1-82 intersection with 1-84 is approximately 2000 ft. to the west. That makes this intersection very desirable for tourist and highway travelers, especially the long haul truck drivers, since the freeway bypasses Hermiston. This intersection is the most logical for commercial development due to its proximity to this major intersection of two freeways.

The southwest quadrant of the Westland Interchange contains 11 acres of land designated for commercial use. This area is undeveloped and has been used marginally for pasture use. The County believes that an exception pursuant ORS 197.732 (l)'(c) is justified on these 11 acres. The criteria for an exception are as follows:

A. Reasons justifying why the state policy embodied in the applicable

goals should not apply;

B. Areas which do not require a new exception cannot reasonably accommodate the use;

C. The long term environmental, economic, social and energy consequences resulting from the use at the proposed site with measures designed to reduce adverse impacts are not significantly more adverse than would typically result from the same proposal being located in areas requiring a goal exception other than the proposed site; and

D. The proposed uses are compatible with other adjacent uses or will be so rendered through measures designed to reduce adverse impacts;

A. Reasons justify why the state policy embodied in the Applicable goals should not apply - The applicable goal involved with the exceptions is the Agricultural Lands Goal (Goal #3). The eleven acres involved contain Quincy Loamy Fine Sand Gravelly sub-stratum according to the SCS soil survey. With irrigation the site has an agricultural land capacity of Class IVe, but without water the capability drops to Class Vile. No forest land exists near the site so the only resource goal concerned is the Agricultural Lands Goal.

The County believes that additional lands for tourist commercial activities are necessary to serve the traveling public, especially along Interstate 84. According to State Highway Division figures compiled in 1982, the average daily traffic volume that approaches the Westland Interchange is 4650 vehicles per day. At the Westland Interchange an average of 1100 cars per day turn off, while 3550 proceed along the interstate. The 4650 vehicles per day equates to a little over three cars per minute on an average in a 24 hour period. Traffic is generally heavier during the daylight hours, so actual traffic counts in any one daylight time period would likely be even higher.

The Westland Interchange is the first major interchange in western Umatilla County and could appropriately be called the gateway to Umatilla County. It is approximately 20 miles from the town of Boardman where the next nearest services are to the west. With the completion pf Interstate 82 to the west (which will only connect the two freeways and not have off-ramps), the Westland Interchange will be a prime location for tourist related facilities to locate. It should be mentioned that 1-82 will not pass through Hermiston. The cities of Stanfield and Echo are about ten miles further east on Interstate 84, but both cities are located about one mile from the freeway.

The County has adopted policies within the plan which encourage tourist commercial development along the freeway. The amount of land designated for tourist commercial use is very limited, though. There are approximately 62 acres of developed and committed tourist commercial lands in the county along the entire length of the freeway, which runs for approximately 70 miles in Umatilla County. Only about 2 0 acres is entirely undeveloped and suitable for building. The remaining lands are developed or have development located on the property, which limits the potential for development. The eleven acres at Westland are vacant, flat and prime for development. The inclusion of this land is infinitesimal to the amount of agricultural lands in the county, and the land proposed to be removed is not even prime land. Research by the County regarding water rights shows that the land lacks any right to irrigation water. This

results in a Class Vile soils classification and limits the land for use as permanent pasture grass which dries up during the summer months. The eleven acres • are in separate ownerships and are not contiguous to the other lands under the same ownership. Because of the small size and lack of water, it would be undesirable for a farm operator to absorb this land with this adjacent farmland. This set of circumstances has resulted in these two small, unmanageable parcels.

B. Areas which do not require a new exception cannot reasonably accommodate the use. - The areas available for tourist commercial use are limited by the very nature of the interstate freeway system. Interstate 84 is a limited access highway, and ingress and egress to the highway are limited to on and off ramps spaced every so often along the highway. Along approximately 18 miles of the freeway in western Umatilla County there are five of these interchanges. Of the five, one is the Urban Growth Boundary of two cities (see Area B on Map 18-65), two others have commercially developed or irrevocably committed lands that total 48 acres of land and two areas in agricultural production. A majority of the land identified for commercial is occupied by businesses. At the Westland Interchange Area B on Map 18-65 in the northwest quadrant is a 14 acre parcel that is used in conjunction with a retail railroad tie sales yard (see discussion under committed and developed commercial lands in the northwest quadrant of Westland Interchange on page XVTII-409. In the southeast quadrant of the same interchange is a 20 acre parcel that is presently vacant. However, plans are being solidified to construct a major car/truck stop facility (fuel, repair, and restaurant). The other intersection with commercial land is 14 acres at Buttercreek Highway (State Highway 207) Interchange, which is approximately 2 *1/2* miles east of Westland Interchange (see Area C on Map 18-65). This area has a travel trailer park, gas station-repair facility and restaurant. A large majority of the property is developed or used as a drainfield for septic tank disposal. The other two interchanges, Ordinance and Echo road are generally used as farm parcels and have better agricultural soil. Only the Stanfield Interchange (ten miles east of Westland) has planned commercial usage. The north side of this interchange is within the Stanfield UGB, while the south side of it is within the Echo UGB.

Stanfield has 60 acres of land designated for commercial use on the north side of the Stanfield junction. None of the land is developed at this time, and the site is located one mile away from city services. Extension of services to this area is highly unlikely at this time and cost prohibitive for all but the most major types of development.

On the south side of Stanfield Interchange is the northern boundary of the acknowledged Echo UGB. One hundred and sixty acres is designated for commercial/ industrial use by the Echo Comprehensive Plan. Approximately 30 acres has been zoned for Tourist Commercial use. The remaining acreage is zoned for industrial use. This area is also about 3/4 of a mile north of the present city limits and at least 1/2 mile away from the sewer plant. The land in Echo UGB is also farmed at this time. The soils (Class lie irrigated, Class IVe non-irrigated) are much better at this location than at Westland.

While a certain amount of traffic passes by this Stanfield Interchange, it is not the intersection of two major freeways as is Westland. The Stanfield Interchange will

not get the traffic from the west that will turn off to points north. Cars totaling 1700 per day leave the freeway between Westland and Stanfield junction with 1100 of them exiting at Westland itself. This is a considerable amount of traffic that misses the Stanfield Interchange which potentially would utilize tourist commercial facilities. By providing for commercial development at The Westland Interchange, this portion of the traffic volume that misses Stanfield could be served.

C. The long-term environmental, economic, social and energy consequences resulting from the use at the proposed site with measures designed to reduce adverse impacts are not significantly more adverse than would typically result from the same proposal being located in areas requiring a goal exception other than the proposed site. Some of the major reasons the Westland Interchange was chosen for commercial development was that there was existing non-resource development in the area and it was adjacent to a major freeway where traffic exited off in large volume to go to points north. Further, it is the first interchange that the traveling public can exit off from after the junction of the two freeways (I-84 and 1-82). This makes the Westland Interchange ideally suited for commercial use. As stated earlier, 4650 vehicles per day approach the Westland Interchange, with 1100 vehicles exiting or entering the highway at this point. If services were made available at Westland, road vehicles will be able to exit and enter the freeway with minimum inconvenience. This would save time and energy that now has to be expended by traveling several miles out of the way to get to an urban area where commercial facilities are located. The same could be said for other interchanges along the freeway, but traffic counts indicate a decrease in vehicles east of Westland Interchange. Already three of the quadrants of the Westland Interchange are in some other non-resource use. There are three other interchanges along 1-84 in the West County area that could be identified as commercial by taking on. exception. They are Ordnance, Buttercreek, (not including the area already developed) and Echo Road. In evaluating these other interchanges in comparison to Westland interchange, it became apparent that the other interchanges were much more suited for agricultural use. At Ordnance the north side is adjacent to the Umatilla Ordnance Depot and land uses are restricted to agricultural and open space uses by deed restriction. On the south side is a major hog farm and irrigated farmland. At Buttercreek, irrigated crop land is on the north side and a feedlot and cattle operation are located on the south side. At Echo Road Interchange three of the four quadrants are in wheat/fallow rotation and the fourth side is a scabby, alkali depression. This fourth quadrant (the northwest) could be suited for commercial use; however, several attempts to justify it for commercial uses have been denied by the state. Overall, as a general rule the lands around these other intersections are better producing soils or have operation that would be severely impacted by non-resource uses.

The eleven acres at Westland Road is an infinitesimally small portion of the County's agricultural resource lands. The removal of these eleven acres would have a minor negative impact on the County's economy. Conversely, if the property was designated for commercial use and development occurred, the assessed valuation of the property would be greatly increased. In turn, this would add to the valuation of the county and all special districts that receive tax benefits from this property. The increase in valuation would offset the property tax burden of other properties in the county and

the special districts.

With the site being downwind of other agricultural land and non-resource development occurring on the other three quadrants of the interchange, the removal of the eleven acres would have minimal impact on the resource base. However, by allowing commercial development to occur at Westland Interchange (and non-resource development on all four quadrants) the traveling public can be more easily serviced. The choice in the market place will be broadened while still providing the most beneficial location without adversely impacting resource activities as could occur at other interchanges.

D. The proposed uses are compatible with other adjacent uses or will be so rendered through measures designed to reduce adverse impacts. The site is well buffered on two sides by the freeway off-ramp and access road on the north and by Westland Road on the east. Across Westland Road further to the east is more land that has been identified for tourist commercial use. The only lands being used for resource purposes are the lands to the south and west. As stated before, the eleven acres proposed for commercial use in the southwest quadrant are downwind from the agricultural lands. Therefore, the problems associated with commercial development in agricultural areas, such as litter and blowing debris accumulating in agricultural fields, will be eliminated.

Further buffering measures are provided for in the County Development Ordinance. All uses are required to meet design review criteria. Landscaping, fire breaks, setbacks and other standards can be applied to mitigate any possible adverse impacts that tourist commercial development could have on agricultural lands to the south and west of this quadrant of the interchange. The fact that development will be limited to tourist commercial development, which generally provides services to the traveling public, will limit conflicts with adjacent resource uses. Permanent residency is limited in tourist commercial areas which will further reduce compatibility problems. Again, the design review and conditional use process provide for effective measures to insure that uses will be compatible with adjacent resource lands.

Buttercreek Interchange (Area #10)
(see top of Map 18-66)

The 14 acres at the Buttercreek Interchange, located in the northwest quadrant of the interchange, have been designed and zoned for Commercial since 1979. This occurred after a request by the landowner was approved by the county. The decision was evaluated by using the land use planning goals and extensive public hearings. The site contains a gas station, produce stand, restaurant, car repair facility and travel trailer park; and for practical purposes is all developed.

Buttercreek Interchange (Area #11)
Reasons Exception

Goal 3 Reasons Exception:
The 10.69 acre Buttercreek reasons exception property is located ½ mile north of the I-84 and State Highway 207 freeway interchange. North of the 10.69 acres is a farm parcel adjoining the Umatilla River. West of 10.69-acre property is Stanfield Meadows Road and additional Exclusive Farm Use zoned lands, the east side of 10.69 acres is adjacent to State Highway 207 and across State Highway 207 is additional farm zoned land.

One intervening farm parcel is located to the south between the 10.69-acre exception property and the Space Age travel center and Comfort Inn properties located adjacent to I-84 Highway 207 interchange (see Map 18-66A).

The Goal 3 Reasons Exception request is an amendment of the Umatilla County Comprehensive Plan Text demonstrating the standards for an exception to Statewide Planning Goal 3 (Agriculture) have been met and to amend the Umatilla County Comprehensive Plan Map from North/South Agriculture Designation to Commercial Plan Designation; and County Zoning Map amendment to rezone the 10.69-acre Buttercreek property from Exclusive Farm Use (EFU) to Rural Retail Commercial-Service (RRSC) with LU, Limited Use Overlay Zone limiting use of the 10.69-acre Buttercreek exception property to a RV Park.

Information, consisting of a survey of area RV Parks, showed a lack of available RV spaces for large RVs as the reason supporting a need for additional RV spaces and development of additional RV Parks near the I-84 travel corridor.

Statewide Planning Goal 8 guides local governments in planning for recreational opportunities to meet the needs of Oregon citizens and visitors by providing necessary recreational facilities based on adequate research and analysis. The 10.69 acre Buttercreek property is well suited for an RV Park due to its proximity to the interstate corridor, access to State Highway 207, adequate parcel size, and the property's proximity to the existing Space Age travel center with nearby transportation fuel supply. Locating the RV Park outside the urban growth boundary and closer to the I-84 travel corridor promotes and supports tourism and recreational use in the County while minimizing traffic impacts and negative impacts to urban roads.

Areas which do not require a new exception:
Comparisons were completed for the 10.69-acre Buttercreek property with three available parcels for sale, that were selected as alternate exception properties. The alternate properties were of at least five acres in size, located near an I-84 interchange, and currently zoned to permit RV Park development.

One five-acre alternate site, north of Pilot in Stanfield is similar to the 10.69-acre Buttercreek exception property in that both properties are approximately ¼ to ½ mile from I-84, both are adjacent to a major State Highway with good access, and both have approximately the same amount of acreage for RV Park development.

The five-acre alternate site at Stanfield does have one advantage over the Buttercreek exception property in that municipal services are available to this Stanfield property. The 10.69-acre Buttercreek exception property has an advantage over the Stanfield property in that the Buttercreek

exception property is a site with less ambient noise due to its location. Therefore, in comparison to the five-acre Stanfield parcel with Pilot Truck Plaza nearby, the Buttercreek exception property has less noise.

The second alternative site is 15 acres across from Pilot, this property consists of covenants restricting competing businesses, including RV Parks; therefore, the RV Park would not be able to be developed at this site. The 15-acre property is likewise located in a congested area in the vicinity of the five-acre alternate site near Pilot, and was not further considered.

The third site is an industrial zoned 7.5-acre alternate site located at exit 188 currently developed with a business and accessory structures including a dwelling. This alternate site also has light industrial parcels adjacent to the west and to the east of the property. This site is similar to the Buttercreek exception property in that both parcels have development on the parcels as allowed by each properties' respective zoning.

The industrial parcel is developed with a trailer repair business, accessory structures and dwelling. The 10.69-acre Buttercreek exception property is developed with two solar energy projects, a dwelling and two accessory agricultural buildings. The industrial parcel receives access via a paved public road, Freedom Lane, and the Buttercreek exception property has an access reservation via State Highway 207. The industrial zoned alternate site is located adjacent to the I-84. The 7.5-acre industrial zoned property has disadvantages due to freeway traffic noise and noise from industrial uses on the property and an adjacent industrial truck repair business.

The three available alternate sites were either adjacent to I-84 or located within an existing congested area. And although travelers look for RV Parks near the freeway with good access, all alternate sites all had disadvantages due to freeway traffic noise, and noise from adjacent existing industrial and commercial development.

The land best suited for the RV Park is land that reasonably accommodates large RVs that requires access maneuverability close to major roadways, and ideal properties are not necessarily the closest or adjacent properties to the freeway due to the vehicle noise from traffic traveling at freeway speeds.

<u>Impacts from the proposal located in areas that would also require a goal exception, other than the proposed Buttercreek exception property.</u>
In addition to the comparison of the Buttercreek exception property with the three alternate site locations discussed above, consequences resulting from the use of the Buttercreek property was also made with an alternate site location that also would require a goal exception for use of the property as a RV Park.

The alternate site area chosen is west of the Space Age Travel Center and Comfort Inn. The area selected is a five-acre portion of the 45-acre EFU zoned irrigated farm parcel, adjacent on the south side of the 10.69-acre Buttercreek exception property. This 45-acre EFU property is irrigated farmland cropped in corn. This property also abuts the north side of Stanfield Meadows Road at its southwest boundary and the area selected for comparison as the alternate site is a five-acre portion of the property about 300-ft west of the intersection of Stanfield Meadows Road and State Highway 207. This five-acre portion of the 45-acre EFU zoned property is referred to as the "alternate site" and/or

"alternative site." The property is similar to the 10.69-acre Buttercreek exception property, in that the property is comprised of the same soils and slope and this property would also require a Goal 3 exception and zone change for use as the RV Park. South of the alternate site and Stanfield Meadows Road is the I-84 freeway.

A Goal 3 exception for a rezone of a five-acre portion of the 45-acre EFU property for permitting the RV Park would remove five-acres of irrigated EFU zoned land currently in crop production. The Buttercreek exception property is the least productive farm ground in comparison to this alternative site, due to that the exception area is not irrigated farmland in crop production.

Compatibility of use of the Buttercreek exception property as the RV Park with other adjacent use and measures designed to reduce adverse impacts:
Through the public process, one neighboring farmer, located west of the exception property, raised concern about RV Park visitors walking their pets outside of the Park area in the vicinity of where free-range chickens are raised. Fencing will be installed around the RV Park area to discourage Park visitors from walking outside of the designated RV Park area. Signage within the RV Park area will explain that the Park is located within a farming community and accepted farm practices will continue to occur on the surrounding lands devoted to farm uses.

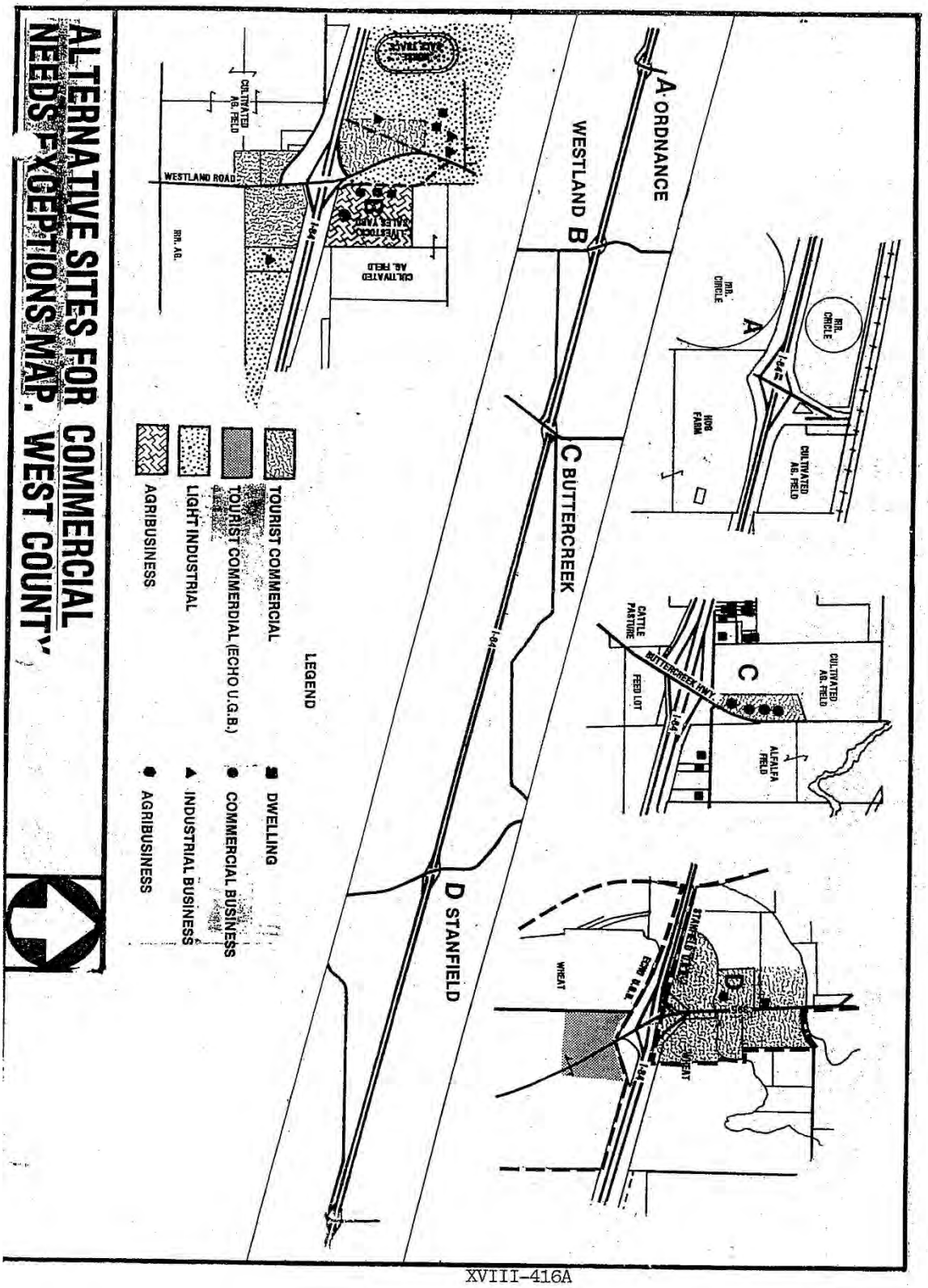
Transportation:
A Traffic Impact Analysis (TIA) was completed, consistent with the Umatilla County Development Ordinance Section 152.019 (B)(1) to document potential traffic impacts as a result of the proposed Goal exception and rezone of the 10.69-acre Buttercreek property from Exclusive Farm Use (EFU) to Rural Retail Service Commercial (RRSC). For the purposes of trip generation, the TIA study used the rates for a mobile home park to be conservatively high, given that many RV parks in the region seem to be used on more of a permanent residence basis. New trips for the proposed development were added to the study intersections for two access scenarios. Scenarios 1) with access to the development provided by Stanfield Meadows Road and 2) with a new access to the site from State Highway 207 through approved access reservation by Oregon Department of Transportation (ODOT).

Levels of Service (LOS) at all study intersections are anticipated to be good under all Access Scenarios, with LOS C or better for all stop controlled approaches to State Highway 207. An evaluation of the need for left and right turns for safety purposes was also performed. Under Access Scenario 1, although the left turn volumes are low at the State Highway 207 and Stanfield Meadows Road intersection, the intersection could benefit from both a northbound and southbound left turn lane. Access Scenario 2 requires no left or right turn lanes at the proposed new site access. Therefore, the TIA recommendation for RV Park development at the 10.69-acre Buttercreek exception property site the development of a new access approach to State Highway 207.

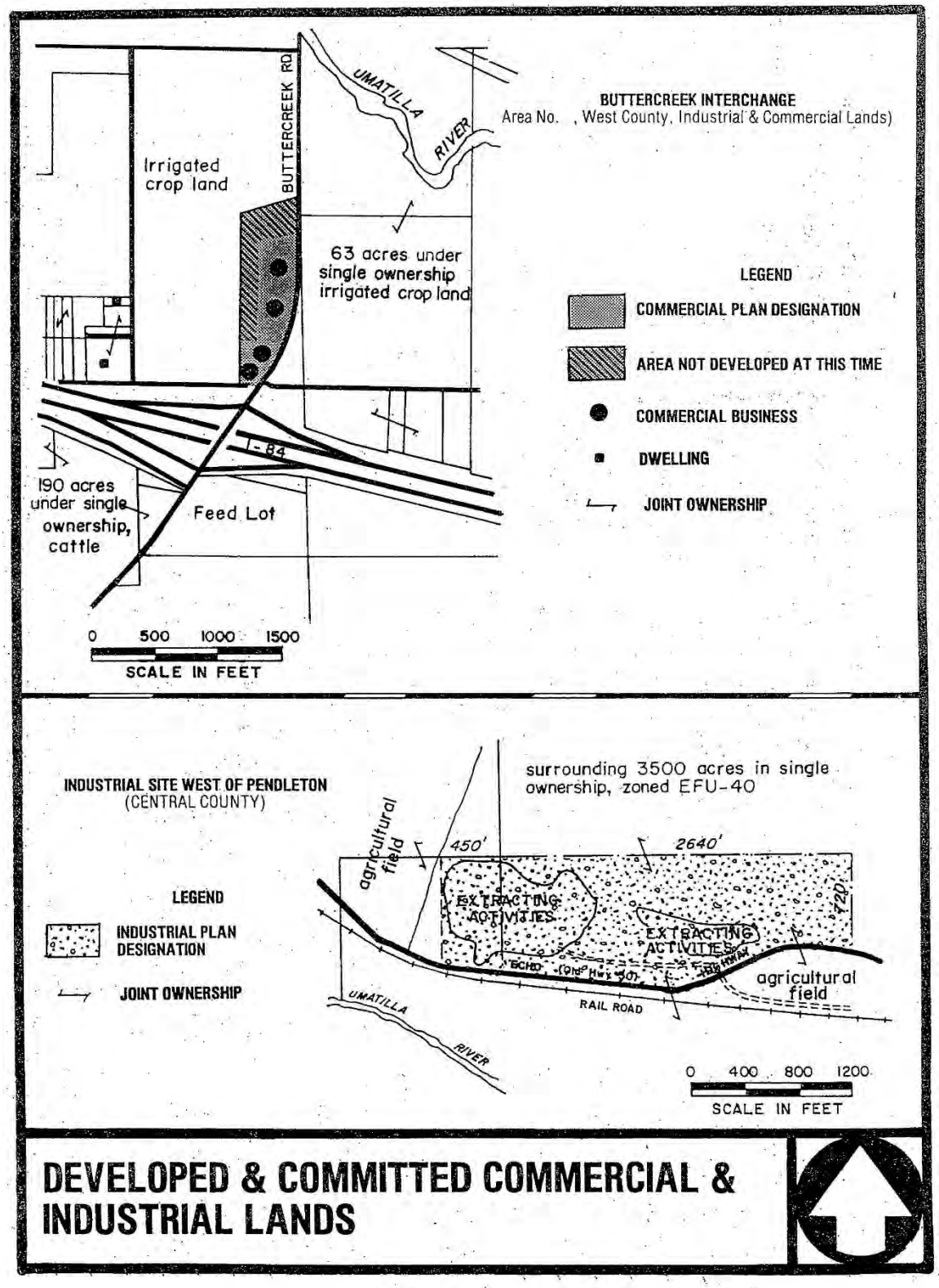
Approval of the Goal 3 reasons exception to rezone the 10.69-acre Buttercreek exception property to limited commercial use as a RV Park would allow a conditional use permit to be submitted and approved. The Conditional Use Permit application would be reviewed against applicable RV Park conditional use standards, and conditions of approval would be required to be met. Conditions placed on

the RV Park Conditional Use Permit would include fencing, and signage informing Park patrons about the farming community. The RV Park Conditional Use Permit process would review factors including, but not limited to, sewage disposal, potable water usage, flood hazard permits, landscaping, and interior road development.

(Ord. 2018-01, adopted 5-16-18)

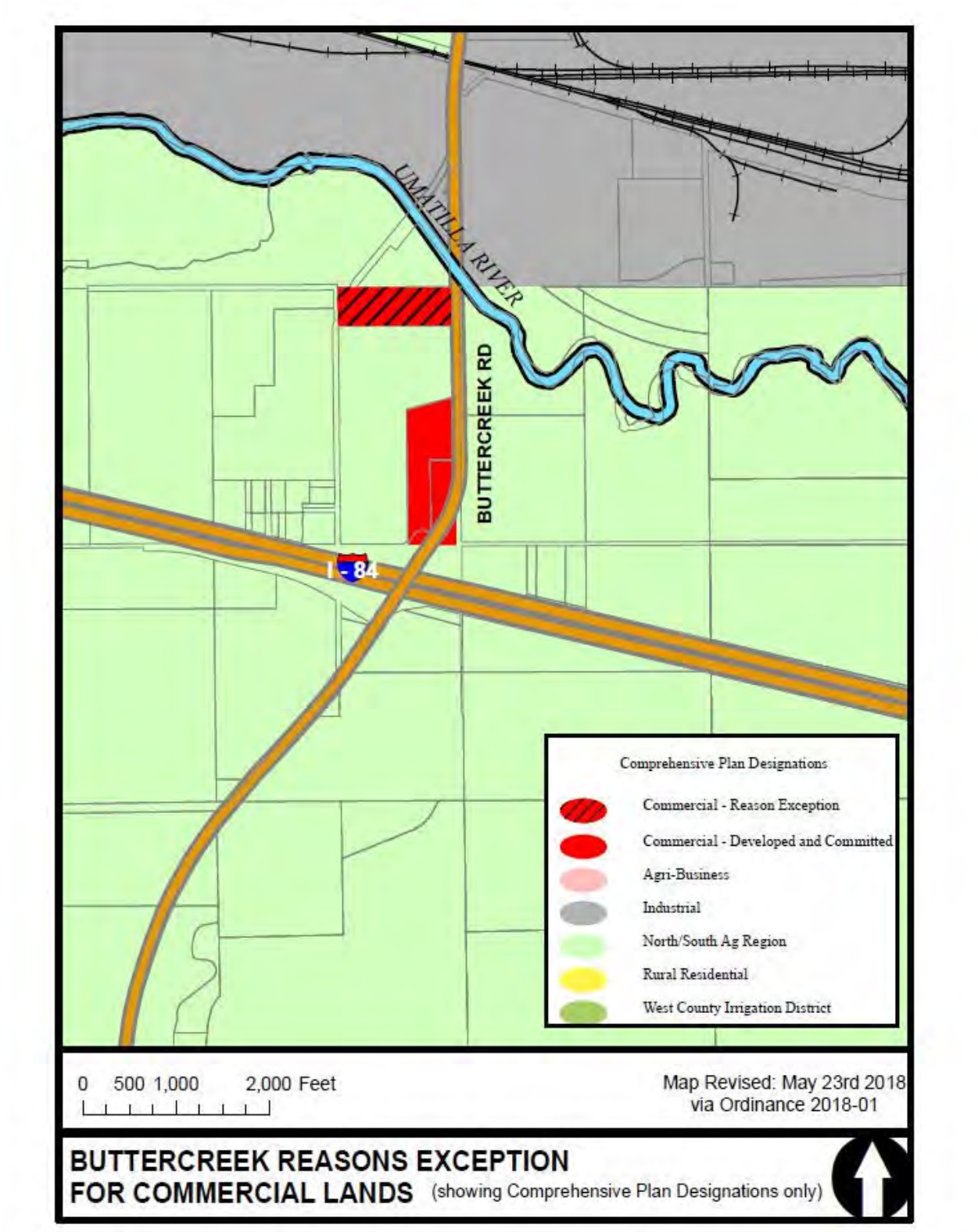


Map 18-65 – Alternative Sites for Commercial Needs Exceptions Map, West County (XVIII-416A)



XVIII-420A

Map 18-66 – Developed & Committed Commercial & Industrial Lands (XVIII-420A)



Map 18-66A – Reasons Exception Commercial Lands

EAST COUNTY COMMERCIAL

In the east county, eight nodes of commercial have been identified through the Orchards District planning effort conducted in 1978 and 1979. These areas have been incorporated into the total County Comprehensive Plan and reflect many hours of citizen involvement and some fine tuning done since adoption of the Orchards District Plan. In delineating the areas for commercial development, the following criteria were used to show that the site was not available for resource use and should be designated for commercial use:

1. Parcels or portions of large parcels already developed for commercial use;
2. Parcels or portions of large parcels considered to be committed to non-farm use because of:

    a. location along Highway 11 of the Old Walla Walla Highway between existing businesses and within a cluster of commercial use;

    b. adjacent to a commercial area at a crossroad;

    c. Located between existing commercial uses and commercial areas planned by the City of Milton-Freewater. Consideration was also given to the farm value of land in question, and whether the commercial designation was actually desired by the property owner involved. Six areas along Highway 11 were identified as meeting the above criteria (see Map 18-67). Starting from the Oregon-Washington border and going south along Highway 11, the first area can best be described as the Stateline Area. This area consists of 18.19 acres in eight parcels, ranging in size from 0.09 to 8.12 acres. Approximately 7.6 acres are already developed and consist of a woodstove sales outlet, gas station, nursery and greenhouse operation, and a doctor's office. The balance of the land included is an infilling of the area.

The second area going south is the Griggs Area and consists of 21.8 acres in nine parcels ranging in size from 0.09 to 5.08 acres. Approximately 17 acres are developed and include a major department store (Griggs), a boat shop, mobile home and used car sales lot, farm tank and pipe supply store, gas station, and roller skating rink. Quite a large area is reserved for parking around the Griggs store and roller rink. The balance of the area is an infilling between existing commercial developments (see Map 18-68).

The third area is referred to as Ferndale/Crockett and lies between the intersection of Ferndale Road and Crockett Road along Highway 11(see Map 18-68). This area is along both sides of the highway and consists of 28.96 acres in 19 parcels or parts of parcels, ranging from a low of 0.50 acres and a high of 4.54 acres. The reason for including portions of parcels is that the original Citizens Advisory Committee (CAC) set a policy of limiting commercial development to within 300 ft. of the highway. This has been fine-tuned by the Planning Commission since 1979 to reflect topography, location of businesses, and homesites. Approximately 20.5 acres is developed for commercial use and includes a mobile home sales outlet, floor covering sales outlet, farm machinery sales outlet, woodstove sales outlet, veterinary clinic, restaurant, saw shop, auction barn, antique shop, two gas stations and an RV Sales lot.

The remaining acreage is infilling between the existing development along the highway.

The fourth area referred to as Appleton Road/Farmer's Market contains 11.37 acres at and south of the intersection of West Appleton Road and Highway 11 (see area A on Map 18-69). Commercial areas are located along both sides of the highway and are completely developed. The parcels range in size from 0.24 acres to 2.28 acres and include an antique shop, tavern, saddle shop, farmer's market, electrical and plumbing shop, and a realty agency.

The fifth area is located around the intersection of the Sunnyside-Umapine Highway and Highway 11 and contains eight parcels or portions of parcels containing 15.62 acres ranging from 0.58 acres to 4.47 acres (see area B on Map 18-69). The portions of parcels included reflects the original Citizen Advisory Committee's policy to restrict development to within 300 feet of the highway. Approximately 12 acres of the area is developed and includes a drive-in theater, contractor's equipment storage and shop, retail fence post sales, produce market, machinery repair, and shop building. Adjacent to this site is an eight acre tract zoned industrial and which is the location of a sand and gravel operation. The balance of the acreage is again infilling between existing development.

The final area considered along Highway 11 is around the Cobb Road/Highway 11 intersection south to the Milton-Freewater Urban Growth Boundary (see area C on Map 18-69). There are 13 parcels or portions of parcels containing 25.21 acres ranging in size from 0.05 acres to 8.33 acres. The largest parcel is occupied by an automobile wrecking yard and parts house. The area is contained between the highway and the dike along the agricultural land (river wash with no SCS rating) that is infilling between the existing development and the Milton-Freewater Urban Growth Boundary.

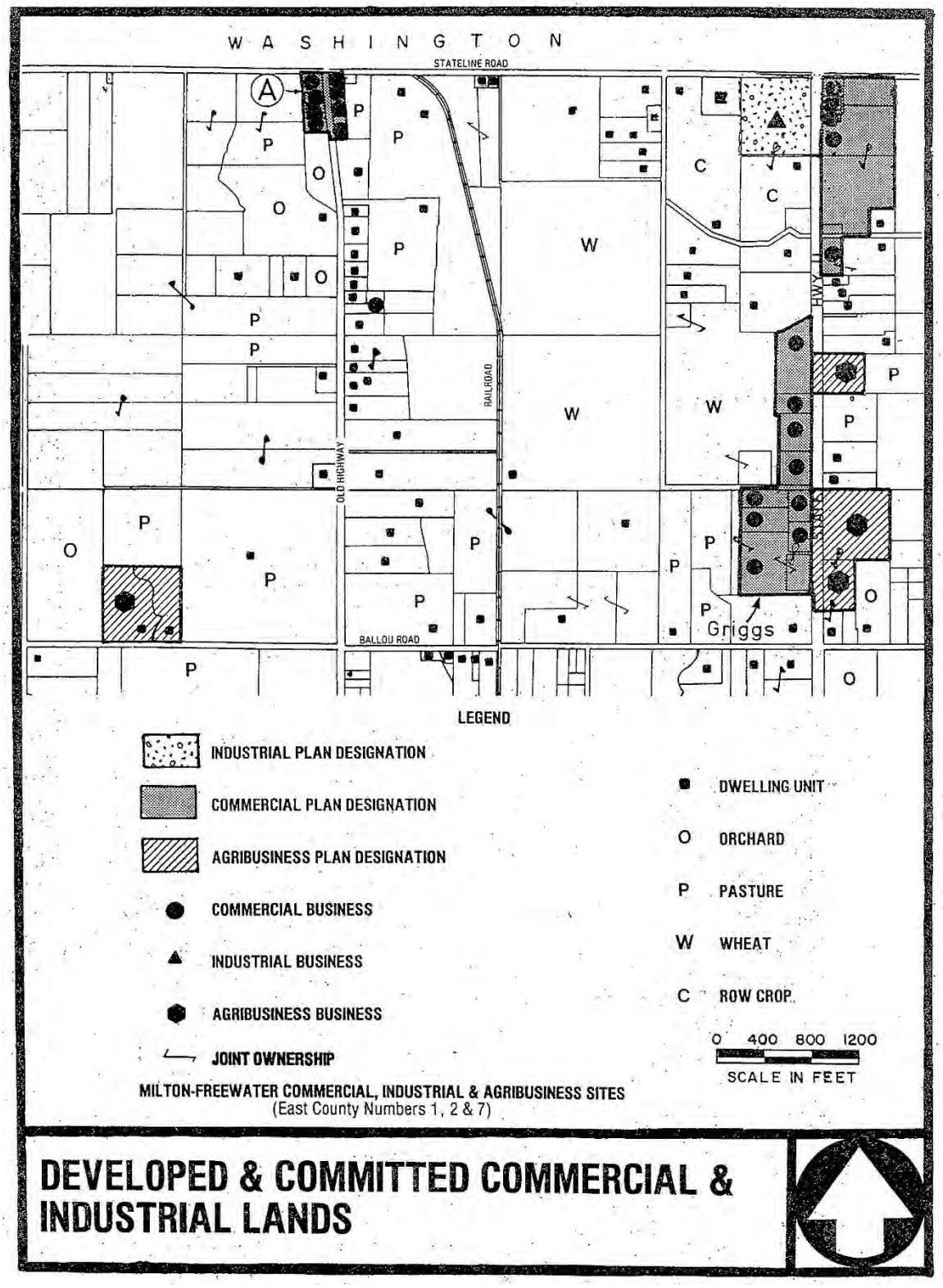
Two additional areas in the east county were considered along the Old Walla Walla Highway. Seven parcels containing 3.45 acres are located at the stateline and the old highway. (Area A on 67). This area is completely developed and contains a gas station, tavern/restaurant, store, and five residences. All the parcels are under one acre in size. Six parcels contain 3.23 acres and are located in the northwest and northeast corners of the intersections of the Old Walla Walla Highway and the Sunnyside-Umapine Highway. In times past this was a major intersection in the area, and commercial development settled around this corner. Presently there is an auto repair shop, fruit stand and ceramic shop, commercial shop building, and two residences which take up the entire area.

CENTRAL COUNTY COMMERCIAL

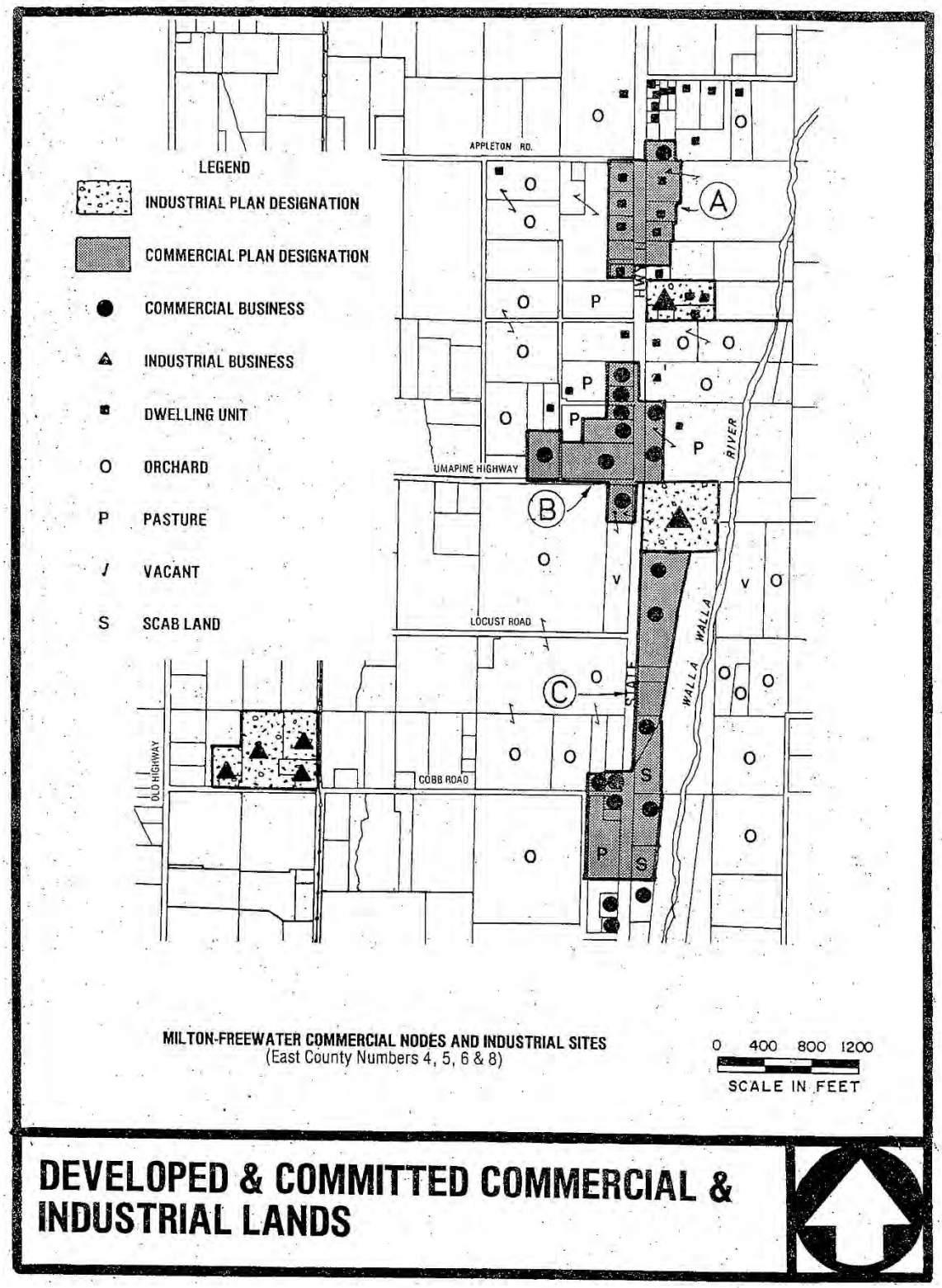
In the central portion of the county, there is one area designated for Commercial. That is at the Barnhart Interchange where additional land has been designated for industrial development (see Map 18-71). Eight and one-half acres have been identified as Commercial in the southwest quadrant of the interchange and are developed as a truck stop, restaurant, motel, and truck parking area. This area is already developed and there is not a large area left for any expansion.

Additional commercial land may be necessary in the future should conditions change. The exception process listed under Statewide Planning Goal #2

Land Use Planning (ORS 197.732(a) (c) and OAR 660-04-020) will be used to guide the location of any additional commercial land in resource areas.

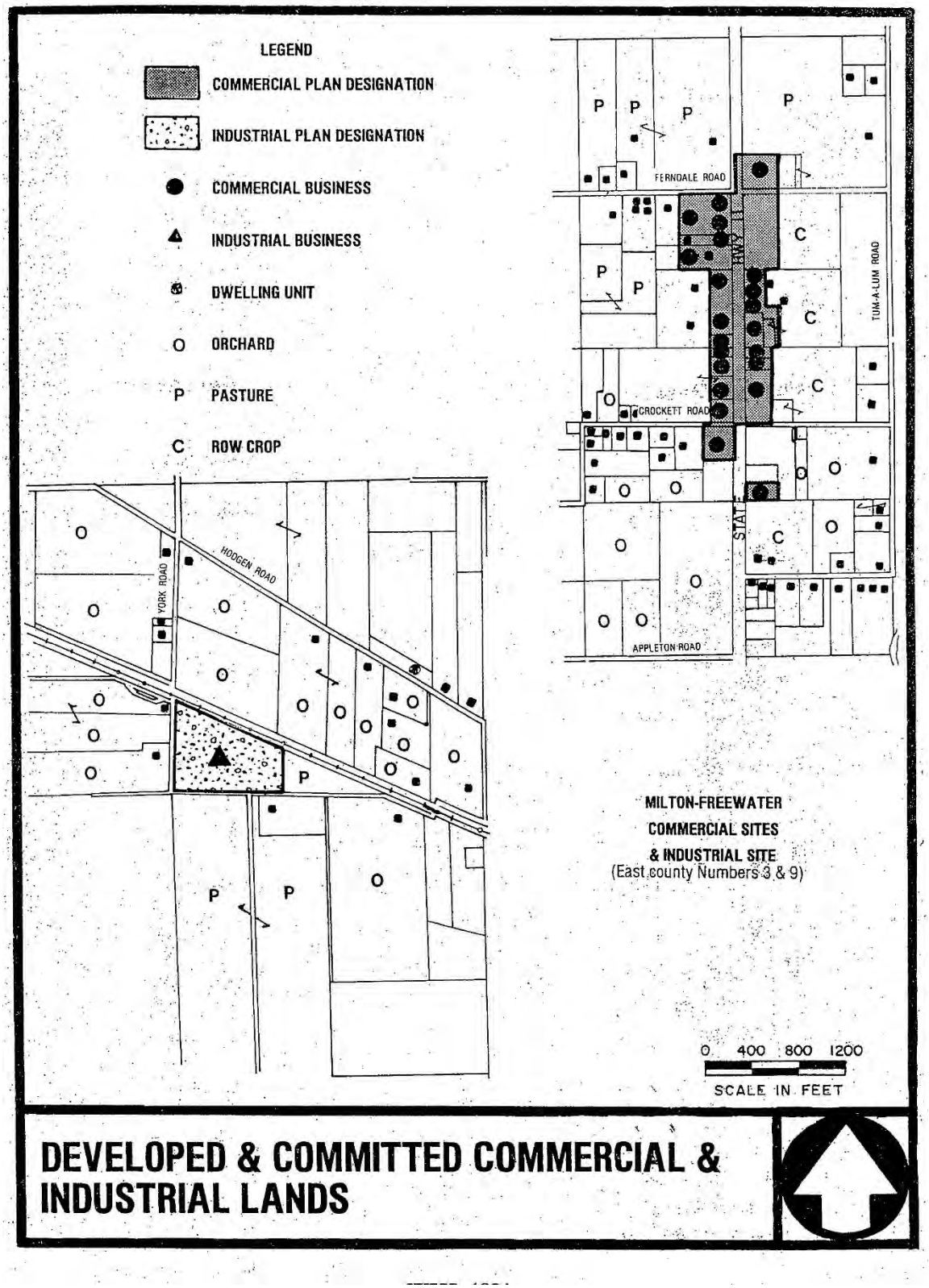


Map 18-67 – Developed & Committed Commercial & Industrial Lands (XVIII-421A)

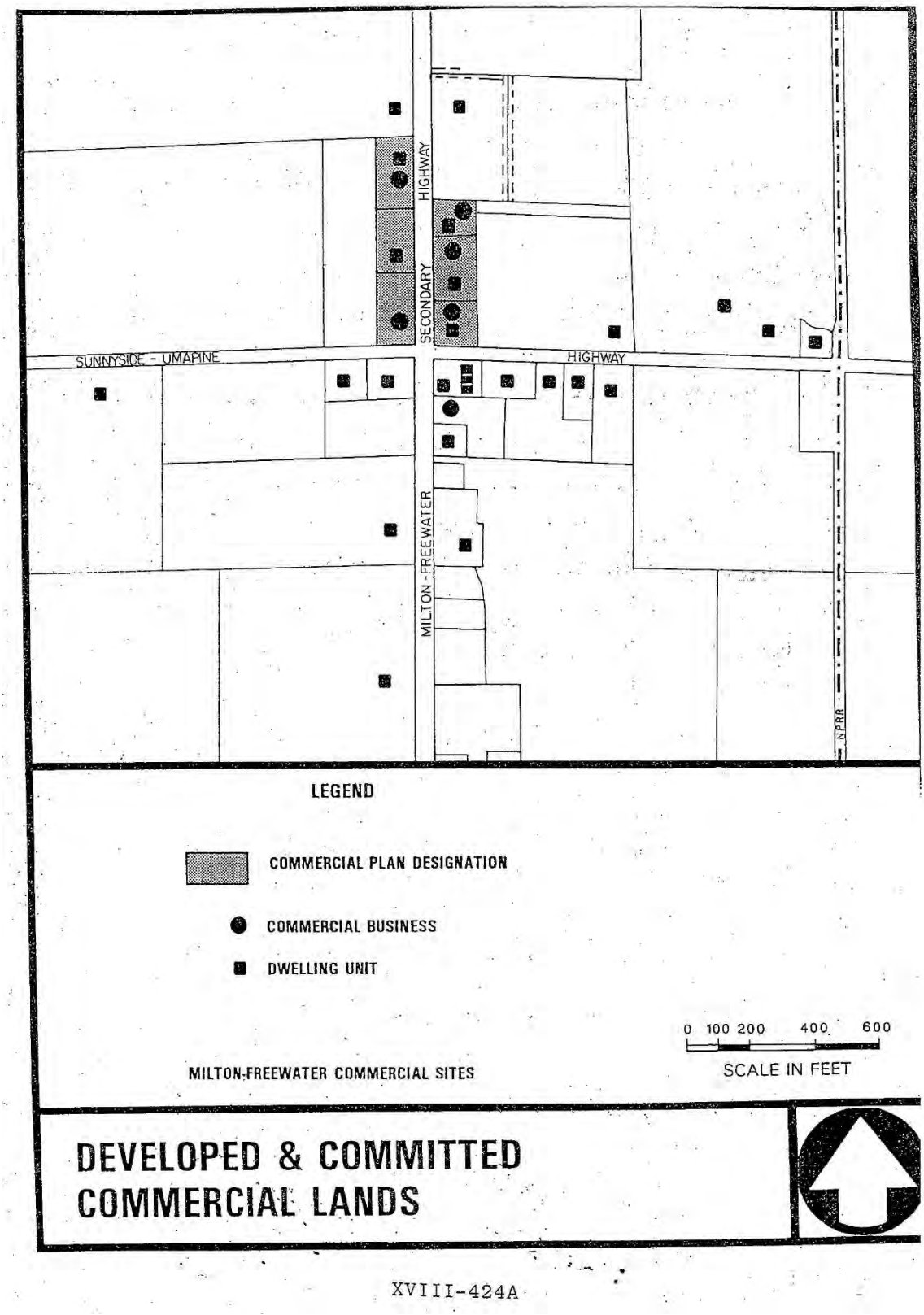


XVIII–422A

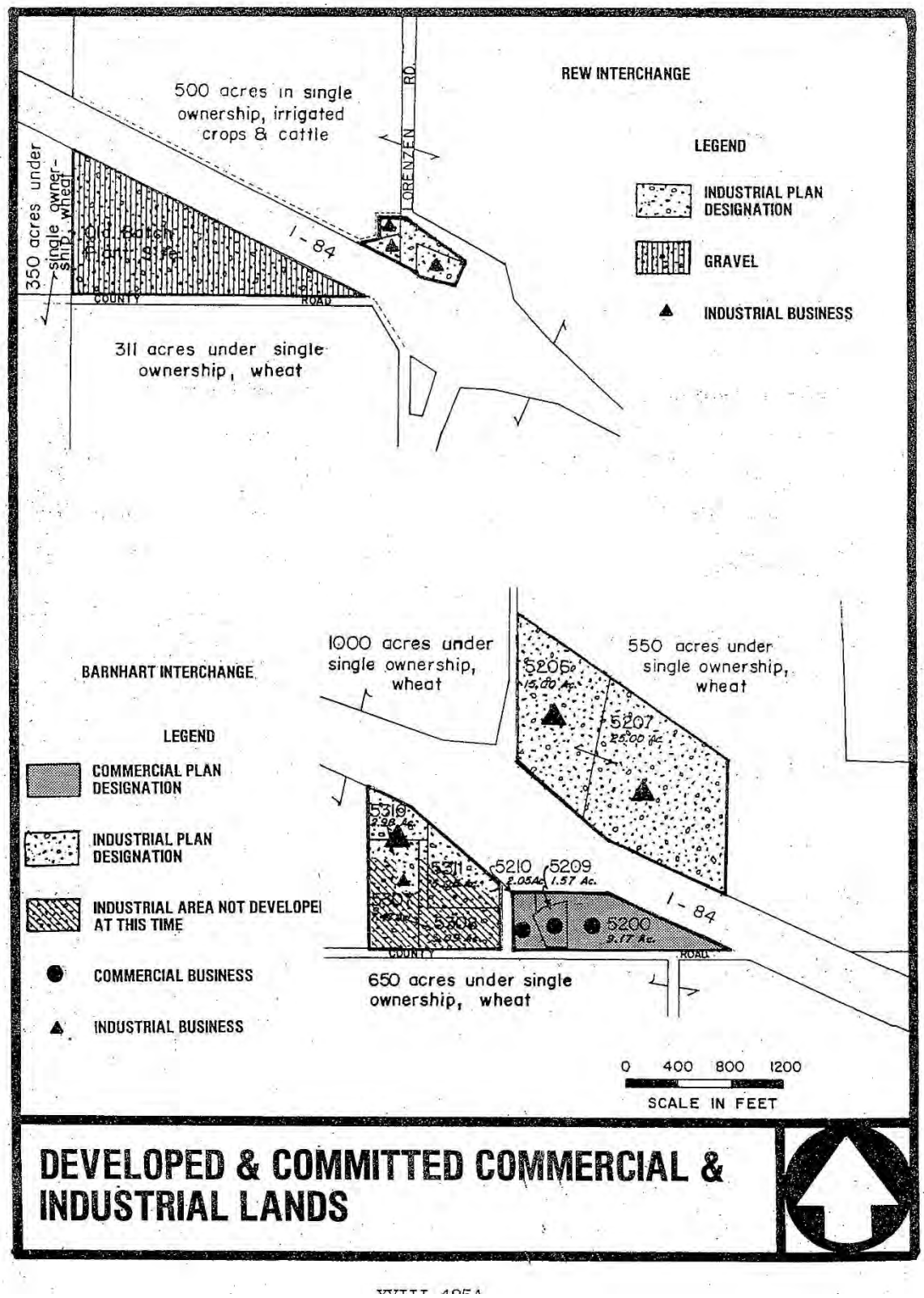
Map 18-68 – Developed & Committed Commercial & Industrial Lands (XVIII-422A)



Map 18-69 – Developed & Committed Commercial & Industrial Lands (XVIII-423A)



Map 18-70 – Developed & Committed Commercial Lands (XVIII-424A)



Map 18-71 – Developed & Committed Commercial & Industrial Lands (XVIII-425A)

INDUSTRIAL NEEDS ANALYSIS

Industrial development in Umatilla County has historically been tied to agriculture and forestry. In recent years, though, the County has diversified its economy with the inclusion of a plastic pipe manufacturer and a major rail transportation facility at Hinkle; although generally, major industries in Umatilla County still are related to the two resource-dependent activities of agriculture or forestry. For example, there were eleven major food processing and five major wood products plants located in Umatilla County in the early 1980's. By contrast, the remaining large employers are relatively few and considered light industrial manufacturers which include three travel trailer or mobile home manufacturers, a fabric mill and commodities and warehousing firm, a plastic pipe manufacturer, and a flour mill.

Exceptions exist, though, in this trend; and one is the Union Pacific Railroad's Hinkle Rail Classification Yard. This facility is a major transportation consideration in Umatilla County and is one of the largest facilities in the western United States. Car trains are made up at Hinkle for general routing along the Union Pacific's vast system. Repair and maintenance facilities are also located at Hinkle. This rail facility makes the entire west portion of the county ideal for industrial users who desire rail facilities.

Another major employer, although not officially an industry, is the federal government. The Umatilla Army Depot at its peak employed approximately 800 people including both military and contract employees. Other federal offices located in Umatilla County such as the US Forest Service, BLM, USDA, Army Corps provides hundreds of jobs.

The State of Oregon also provides a considerable amount of employment in Umatilla County, with the mental health facility and new prison facility located in Pendleton. Again, the state is not an industry in the sense of manufacturing, but does employ many skilled workers otherwise available for industrial work.

Throughout the county's history, the industrial development has never been steady. As discussed in other areas of the county's Comprehensive Plan and Technical Report, Umatilla County has been subjected to several cyclical development periods. Large capital outlays for the Army Depot, McNary Dam, construction of the interstate freeway system, and power generating plants have created boom and bust periods throughout the past 50 years. It is expected, although through the planning effort hopefully minimized, that this cyclical occurrence will continue.

In developing the industrial needs analysis for Umatilla County, past and present population and employment trends were reviewed. Consistently, civilian employment has run about 50% of the county's total population. Military employment is not taken into consideration in the employment figures. Further, it is likely that the percentage of civilian workers will increase some as national statistics show that there are more and more two income earners per household. Also, the employment statistics have no handle on the number of discouraged workers or those who have given up looking for a job, but would be available in the work force.

Allowing for military employment, a slight increase in two wage earning household, and adding in for discouraged workers, the

County could expect approximately 55% of its population to be available for the work force. This figure is in line with predictions by BPA in its Environmental Impact Statement for the Alumax Aluminum Reduction Plant proposal. BPA estimates that approximately 54% of the population will be in the work force.

Utilizing the coordinated population figures for the county, a population of approximately 124,000 people is projected by the year 2000 (plus or minus 10%). Fifty-five percent of this figure yields approximately 68,000 people in the work force by the year 2000.

Studies done by the Planning Department indicate that the major industry in Umatilla County employs from one employee per acre (1:1) to 15 employees per acre (15:1), with the average being about seven to eight employees per acre (7:1 or 8:1). The agricultural processing industries have lower employee per acre ratio than this.

Using a ratio of seven employees to one acre of land for industrial activities yields, a total of 9700 acres of land that is needed. A ratio of 8 to 1 yields a requirement of 8500 acres of industrial lands needed by the year 2000. Therefore, Umatilla County has an identified need for between 8500 and 9700 acres of industrial land to accommodate industrial development through the year 2000.

The following chart illustrates the number of acres of industrial lands designated within city limits and urban growth boundaries:

City Industrial Designated Land (in acres)

City	Acres
Pendleton	1,747
Milton-Freewater	245
Pilot Rock	377
Athena	78
Weston	90
Adams	19
Helix	30
Ukiah	21
Umatilla	210
Hermiston	1,140
Stanfield	325
Echo	210
TOTAL	4,512

Table 18-4 – City Industrial Designated Land (in acres)

Subtracting out the 4500 acres of industrial lands within urban growth boundaries from the projected need of 8800 to 9700 acres of land needed, yields a remainder of between 4300 to 5200 acres of additional lands needed to accommodate industrial development. The County has identified sufficient land within the comprehensive plan to meet this stated industrial lands requirement.

A detailed description and amount of land identified for industrial development is found in the Plan Map Section. Most all of the land was found to be already developed or irrevocably committed to a non-resource use. With the land identified by the County for industrial use through the developed/committed exception process, the County will have an adequate supply of industrial land to serve its needs for the next 20 years.

As indicated elsewhere in the plan, water is a limiting factor for economic development in Umatilla County. However, during the identification of industrial lands within the

county, it became evident that development has occurred where water is available. The additional lands identified by the County are adjacent to the already developed lands. Only one area (Westland) is in an identified critical groundwater area. The parcels identified as committed, though, have wells on them that are adequate for industrial purposes (discussions with landowners). Through the policies listed in the comprehensive plan and requirement listed in the development ordinance, large water consuming industries will be reviewed as to their impacts on existing water resources.

(Ord. 2014-06, passed July 2, 2014)

Industrial Lands Exceptions Analysis

Industrial lands within Umatilla County have been designated for industrial use after carefully examining each area for compliance with LCDC goals, administrative rules and court cases. The purpose of this portion of the plan map section is **to** show the methodology, findings and conclusions used to justify designating the areas chosen for industrial development. Detailed mapping has been moved to better show development on and surrounding industrial designated lands, and the commitment of other lands where relevant factors cause the sites to be committed to other non-resource uses. On one site, justification is based specifically upon the fact that the Agricultural Goal (Goal #3) does not apply to this site. That is to say that the site does not meet the requirements of agricultural land; therefore, this goal does not apply.

In other areas, the County believes that justification exists for a specific needs exception as listed in ORS 197.732 (a) (c). Detailed analysis plus additional mapping is included in the following section to support this type of needs exception.

McNary (Area #1)

1993 Revision - The McNary area has not been officially acknowledged by the Land Conservation and Development Commission. The State Commission has deferred a final decision of full acknowledgement until they deferred a final decision of full acknowledgement until they resolve a state court directive to define the difference between a rural and urban land use and how each type shall be treated against the state land use planning goals. This situation places the land within this area in limbo or hold.

This 1400 acre site is adjacent to the Umatilla Urban Growth Boundary, and as stated elsewhere in the plan is a highly desirable location for industrial activities. The County believes an industrial land use designation is justifiable because of the poor to very poor soils located on and adjacent to this site. The entire site is characterized by Starbuck Rock Outcrop Complex according to the SCS Preliminary Soil Survey of 1983. According to soils maps and interpretation by SCS soil scientists, approximately 60% of the 1400 acres consists of Class VIII soils, while other 40% consists of Class Vie and Class VIII soils. This area is very rocky, with several areas of standing water due to the hallow depth to bedrock. Irrigation is impractical if cost would even allow for it. Very little natural vegetation exists on the site, and SCS has stated to the County Planning Department that to try and seed the land to perennial grasses would be fruitless as well as cost-prohibitive (see Map 18-72).

Surrounding land uses are similar to the existing land use on the site. Agriculturally productive lands do not begin for a couple of miles to the east or across Highway 730 to the south, lands to the north and west are located within the Umatilla Urban Growth Boundary and are designated for industrial use. Some development under the direction of the Port of Umatilla has occurred to the west. Prevailing wind patterns are from west to east; therefore, any major development on the lands within the Umatilla Urban Growth Boundary would have an impact on these county lands.

The site is buffered from productive agricultural lands by U.S. Highway 730, which is a paved, two-lane highway which also provides excellent access to the site. The land currently under agricultural production lies south of Highway 730 and would not be impacted by any non-resource development at McNary due to the buffering created by the highway. No other farming practices occur in the area which would require agricultural land protection.

Other relevant factors that apply to this land are the proximity of the site to developed lands within the Umatilla Urban Growth Boundary. Water, electricity, and phone utilities are all available on the site. The Port maintains their own water system for development purposes. Rail facilities are nearby; and as stated prior, the site has access from Highway 730 for approximately 3/4 mile, and a paved county road for approximately 1/2 mile.

All the factors listed and discussed above render this property non-agricultural under the definition of Goal #3; and therefore, the goal would not apply to these lands.

ADDITIONAL JUSTIFICATION FOR MCNARY INDUSTRIAL AREA

(See 1993 Reprint explanation on page 18-279 applicable to this section).

The County has attempted to show that the 1400 acres at the McNary Industrial Area are non-resource land and that Goal #3 does

not apply. A portion was approved as qualifying as non-resource lands in the February 21, 1985, LCDC staff report and is the western portion which is bordered on two sides by the Umatilla Urban Growth Boundary. After reviewing the information available to the County and conducting an on-site inspection of the area, the County believes that there is substantial evidence to show that the remaining area is non-resource lands.

To better facilitate this review, the County has divided the remaining area that was questioned into two separately identified parcels (see Map 18-73). Parcel A consists of 175.47 acres and lies adjacent to the west end of the Umatilla Urban Growth Boundary. Parcel B consists of 640.51 acres and is south of Parcel A and adjacent to the 500 acres of approved rural industrial lands.

Reviewing the soils information on parcel A, the County is using an updated Soil Conservation Service Soil Survey for Umatilla County. The updated soil survey shows that about 60% of the land (approximately 105 acres) is Class VI soils and the remaining area (approximately 70 acres) contains Class Vie soils that are rocky. An on-site inspection revealed that there were numerous basalt rock outcroppings throughout the area with pockets of shallow soil. The entire north side of parcel A is a rock bluff that overlooks the Columbia River. As stated previously in McNary Industrial Area discussion, the prevailing winds are from the west. Industrial activities within the Umatilla Urban Growth Boundary will impact this land because of these prevailing winds coming from industrial uses.

Lands further to the east should not be adversely impacted by any industrial activities that occur on parcel A because of the shape of the parcel and the activities (or rather lack of activities) that occur on lands to the east. Parcel A is triangular in shape, with the Columbia River forming the long side of the triangle on the north side narrowing down to a point on the east end. Any wind-carried industrial by-products would more likely be blown over the water and dissipated rather than carried onto adjacent lands to the east. Even if the industrial byproducts were carried onto lands to the east, it would not adversely impact them because of the lack of resource activities occurring there.

The nearest cultivated lands are approximately 2 1/2 miles to the east. The distance between the cultivated fields to the east (downwind) from the proposed industrial uses on parcel A (upwind) would mitigate any adverse impacts industrial activities might have on agricultural lands. The BPA Environment Impacts Statement for the Alumax Aluminum Plant (1977) reviewed the impacts of several pollutants that the plant would emit, and found that no air quality requirements would be exceeded east of the plant site which includes the lands east of parcels A and B. Therefore, industrial activities on parcel A will not adversely impact the distant lands east of parcel A which are cultivated.

The lands between parcels A and the cultivated lands to the east all have poor to very poor soils. The soils are generally the same as parcel A (being rocky with shallow pockets of soil, Class Vie by SCS) or worse (a large area of Class Vile soils is adjacent to the east boundary of parcel A). This land area has no irrigation water rights; and even if there was water available, it would be impractical to irrigate because of the rocky impervious nature of the ground. The land to the east of parcel A is very marginal grazing land. The SCS soil interpretation sheet or

this soil has no capability of carrying capacity information for grazing of this land when no irrigation water is applied to the land. This means the land has no grazing potential. Even if water were available and could feasibly be applied to this land, then the grazing potential is only 9 AUM's (Animal Unit Months). Typical irrigated grazing lands in the West County can carry 15 AUM's or approximately 2/3 more than the marginal lands on and adjacent to parcel A.

Just east of parcel A is the mouth of Box Canyon which is a deep canyon running perpendicular to the Columbia River. A vertical drop of over 100 feet separates the land in the bottom of Box Canyon from the land on top which is level with parcel A. The Box Canyon area has all Class Vile soils according to SCS soils mapping information. There are several cattle pens in the bottom of the canyon. A concentrated feedlot operation is run by the owners of parcel A. They also own several thousand acres in the Umatilla area. The site is a logical one for a feedlot because it sets down in the canyon and is protected from the winds. The steep sidewalls of the canyon help keep the cattle concentrated. Feed is hauled in from other cultivated lands, which the landowner has (including the cultivated lands to the east). Industrial development to the west (on parcel A) would not impact this noncommercial feedlot. The feedlot is the only agricultural activity that occurs west (downwind) of parcel A, and it would be well-buffered from potential non-resource activities since it is topographically buffered (sits down in the canyon) and is wind sheltered. Any blowing of industrial by-products would likely drift over this area or be dispersed so as not to cause any environmental degradation.

In conclusion, the designation of parcel A for industrial use will not adversely impact adjacent lands and activities to the east because of topographical buffering and the lack of resource activities occurring in this vicinity.

Parcel B, as stated previously, consists of 64CK51 acres and lies immediately west of the approved rural industrial site at McNary and immediately south of parcel A. About 630 acres is being considered for non-resource use (rural industrial) as U.S. Highway 73 0 divides off approximately ten acres of the parcel. The County has determined that Highway 730 is a definite and effective southern boundary and buffer for the anticipated non-resource (rural industrial) uses. Parcel B is land that is owned by the Port of Umatilla which is the lead agency or economic developed for Umatilla County (see Map 18-73).

The soils information for parcel B shows that about 35% of the land (approximately 220 acres) is Class VIII soils and the remaining area (approximately 440 acres) contains Class Vie soils that are very rocky. The soils[1] condition is much the same as parcel A, discussed earlier. Numerous outcroppings of basalt rocks surrounding shallow pockets of soil that support limited vegetation were evident during an on-site inspection. The rock outcroppings make it impossible to drive a tractor on the land to try and work any of the shallow soil. Potential grazing use of the land is limited to a couple of weeks in the spring and late fall when rains green up the sparse grasses, according to the Port Manager's office and the adjacent landowner who leases the land to use in conjunction with other lands for minimal grazing activities.
Discussions with the Port Manager and the lessee indicated that parcel B is not fenced because it is not worth cost of fencing to the Port District to keep any incidental grazing

cattle off of parcel B. (Range laws require landowners to fence out any wandering animals if the landowner does not want the animals on his land). Rather, The Port maintains a nominal lease with the adjacent landowner (around $250.00 total per year) that allows the cattle to roam freely for the couple of weeks that they may be in the area. If the land were valuable for grazing, cross fences would be built to better manage the land and a substantial increase in the leasing fees would be in order, according to the lessee and Port Manager. The rocky soils, though, make it difficult if not impossible to manage the land in this area of grazing use. Parcel B is situated between approved rural industrial lands to the west and parcel A to the north which has been discussed earlier as to the reasons why Goal #3 does not apply to it. Again, the prevailing wind patterns from west to east would impact parcel B when industrial development occurs on approved industrial lands to the west (including developed and vacant industrial designated lands within the Umatilla Urban Growth Boundary).

Lands further to the east should not be adversely impacted by any industrial activities that would occur on parcel B because of the limited resource activities that occur or can occur on them. The nearest cultivated lands are approximately 2 1/2 miles to the east. The distance between the cultivated fields to the east (downwind) and the proposed industrial uses on parcel B (upwind) would effectively mitigate any adverse impacts industrial activities might have on these distant and more intensively managed agricultural lands. Parcel B was to be a portion of the Alumax Aluminum Reduction Plant site and the BPA Environmental Impact Statement (EIS) for the plant (dated 1977) reviewed the impacts of several pollutants that the plant would emit. The EIS found that no air quality requirements would be exceeded east of the plant site (i.e. the lands east of parcel B). Therefore, industrial activities on Parcel B will not adversely impact the lands east of parcel B that are cultivated.

The lands between parcel B and the cultivated lands to the east all have poor to very poor soils. The soil characteristics are generally the same as parcel B, being rocky with shallow pockets of soil (Class VIe SCS) or worse (Class VIle soils). This area has no irrigation water rights; and even if there was water available, it would be impractical to irrigate because of the rocky impervious nature of the ground. The land to the east of parcel B is very marginal grazing land limited to grazing use a few weeks in the spring and a few weeks in late fall when the sparse rains green the natural vegetation. The SCS soil interpretation sheets for this soil have no capability or carrying capacity for grazing of this land when no irrigation water is applied to the land. This means that the land has no grazing potential. Even if water were available and could be feasibly applied (and it cannot) to this land, then the grazing potential is only 9 AUM's (Animal Units Months). Typical irrigated grazing lands in the West County can carry 15 AUM's or approximately 2/3 more than the marginal lands on and adjacent to parcel B. Therefore, the lack of water makes this land virtually useless for any type of agricultural use except for minor incidental grazing use a few weeks out of the year.

About 300-600 ft. east of the eastern boundary of parcel B is Box Canyon which is a deep canyon running perpendicular to the Columbia River. A vertical drop of over 100 ft. separates the land in the bottom of Box Canyon from the land on top which is level with parcel B. A mental picture of this area would be a fairly level, rocky piece of ground extending across parcel B and the

further eastward another 300-600 ft. to an abrupt drop off into Boa Canyon.

Box Canyon is all Class VIle soils according to SCS soils mapping information. Although there are very poor soils in Box Canyon, there are several cattle pens in the bottom of the canyon. A concentrated feedlot operation is run by the owners of parcel A. They also own several thousand acres in the Umatilla area. The site is a logical one for a feedlot because it sets down in the canyon and is protected from the winds. The steep sidewalls of the canyon help keep the cattle concentrated and confined. Feed is hauled in from other cultivated lands, which the landowner has (including the cultivated land to the east). Industrial development to the west (on parcel B) would not impact this noncommercial feedlot. The feedlot is the only intensive agricultural activity that occurs east of parcel B and directly downwind. This feedlot would be well buffered from potential non-resource activities since it is topographically buffered (down in the bottom of the canyon) and is wind sheltered. Any blowing of industrial by-products would likely drift over this area and be dispersed so as not to cause any environmental degradation. Any industrial byproduct that settle out to the east would most certainly settle out over the vacant rocky scab land before reaching the distant cultivated agricultural land to the east.

The land to the south of parcel B would not be impacted by industrial development on parcel B for several reasons. First, the County is using U.S. Highway 73 0 as the southern edge of non-resource development. The highway acts as a buffer between the lands to the north and lands to the south. The physical separation caused by the highway creates two separate land areas that are independent of one another. Uses occurring on one side of the road must be managed differently than on the south side because of the separation.

The land on the south side of Highway 730 generally consists of the same type of rocky, sparsely vegetated land that occurs on the north side of the highway and described in detail above. Agricultural activities are limited to grazing livestock during early spring and late fall. The buffering provided by the highway mitigates any adverse impacts non-resource development to the north would have on the lands south of the highway.

Farming practices are also limited on the lands to the south because of the McNary potholes. These wetlands are currently being protected by the County as a 3C site under Goal #5 rules (limit the conflicting uses). The limiting factors for agricultural, though, are not because the County is protecting the potholes; rather, the potholes limit the ability of the landowners to manage the land for full-time grazing. It is virtually impossible to drive a tractor across the land due to the rockiness, let alone set out irrigation lines to try and irrigate the shallow soils.

In conclusion, the designation of parcel B for industrial use will not adversely impact adjacent lands and agricultural activities because of the poor soils, topographical or physical buffering and the lack of resource activities occurring in this vicinity.

As an additional note, the County is vitally concerned with securing an industrial designation at the McNary site. Parcel B has been owned by the Port of Umatilla since 1969. The land was purchased by the Port with tax supported bonds, approved by the citizens of Umatilla County for industrial use to stimulate and hopefully secure economic development in Umatilla County.

It is the largest block of publicly owned industrial land in the county, and together with the other adjacent rural lands at McNary, comprise a large block of land that can attract industrial users. According to Port officials, the McNary site is only one of two sites in Oregon that the Department of Economic Development has on its inventory for prospective industrial users seeking large vacant industrial properties.

All the land at McNary was optioned to Alumax in early 1975 for the construction ofan alumaxing reduction plant. The purchase of parcel B by the Port and the option to Alumax both pre-date the adoption or the application of the statewide planning goals. Alumax held the option until early 1983 when due to several well-publizied reasons, their option was dropped. During the period between 1975 and 1983, Alumax applied for, received and kept current all applicable planning permits. Now, because of circumstances beyond the control of the County, the McNary area has been identified by the state as lacking substantial evidence to show that Goal #3 does not apply to this area.

The County believes that substantial evidence has been provided to show that the McNairy area is not resource lands and does not need to be protected by Goal #3 requirements. In fact, the County has and is using good planning practices and is preserving valuable resource lands for resource uses while directing non-resource development away from valuable resource lands.

[NEW] <u>GOAL 11 AND GOAL 14 EXCEPTION</u>. Added through Ordinance 2005-06 adopted May 31, 2005.

The McNary Area #1 is comprised of approximately 1,400 acres divided into three parcels: Port of Umatilla identified as Subarea 1; Tribal Trust Land identified as Subarea 2; Federal Land identified as Subarea 3 (see McNary Area Map 18-72).

McNary Subarea 1 - Port of Umatilla

This provides findings of fact and reasons to support exceptions to Statewide Planning Goals 14 (Urbanization) and 11 (Public Facilities and Services) for 321.36 acres of rural land owned by the Port of Umatilla and known as the McNary Industrial Park ("McNary"). The property consists of two tax lots: Tax Lot 5N28A-1302, consisting of 160 acres located immediately east of Beach Access Road and immediately south of the Two Rivers Correctional Institution; and Tax Lot 5N29B-600, consisting of 161.36 acres located immediately east of Tax Lot 5N28A-1302. The legal description for the property is the North Half of the North Half of Section 13, Township 5 North, Range 28, and the North Half of the North Half of Section 18, Township 5 North, Range 29, East of Willamette Meridian, Umatilla County, Oregon. The property's configuration is long and narrow. Its dimensions are one-quarter mile wide north-south and two miles wide east-west. The City of Umatilla Urban Growth Boundary adjoins Tax Lot 5N28A-1302 on its west side.

The exceptions are being taken pursuant to OAR 660-014-0040 (Establishment of New Urban Development on Undeveloped Rural Lands). They are taken both in response to a current interest in this property from a specific industrial developer and to reflect the long-term economic development interests of the Port of Umatilla. The exceptions rely on both the immediate proximity of the McNary Industrial Park property to urban land and urban services, and important site-specific characteristics, including the availability of rail, barge, and state and interstate highway service to the property.

A. Vicinity Conditions.

The McNary property is located immediately adjacent to the City of Umatilla city limits and urban growth boundary (UGB). The property is bordered on the west by County Road #1285 (Beach Access Road) and the City of Umatilla UGB. To the north, the property abuts the city limits and the Two Rivers Correctional Institution site along its western half and approximately 195 acres of land held in trust by the United States of America along its eastern half. East of the property is a wildlife area known as Wanaket that is owned by Bonneville Power Administration and managed by the Confederated Tribes of the Umatilla Indian Reservation. To the south the property borders 848.33 acres that is also part of the Wanaket wildlife area (see McNary Area Map 18-72).

The property is generally flat and characterized by poor to very poor soils, with the eastern half of the property dominated by rock outcroppings and extremely shallow soils. There are no watercourses, significant Goal 5 resources or identified areas subject to natural hazards present that would impede development of the site.

The property is considered rural "non-resource" land because it does not meet the definition of "agricultural land" in Statewide Planning Goal 3. According to a January 19, 2000 soils analysis prepared by Philip Small, a certified professional soil classifier working for Land Profile, Inc., the 321 acres consist of soils that are predominantly Land Capability Classification VII and not otherwise suitable for farm use. The Class VII rating reflects the soils' very low average available water holding capacity of about 1.55 inches. Very little natural vegetation exists on the site, and the SCS has stated to the County

Planning Department that to try and seed the land to perennial grasses would be fruitless as well as cost-prohibitive. As such, the site is not suitable for agriculture. The nearest agriculturally productive land is a couple of miles to the east or across Highway 730 to the south.

Urban facilities and services are readily available to the McNary property. Sanitary sewer collection lines abuts the property along Beach Access Drive, within the City of Umatilla UGB. These lines can be extended onto the property. Water facilities, electricity and telephone service also are available at the western edge of the site. Natural gas service is available approximately one-quarter mile to the west of the site and can be extended to the site.

The site has excellent highway access via Oregon Highway 730, a paved two-lane state highway located immediately south of the properties bordering the site on its south side. Interstate 82, an interstate freeway, is located approximately two miles west of the site and readily accessible via Oregon Highway 730 and County Roads. Rail facilities are available approximately one-quarter mile west of the site and can be extended through other Port-owned property to the site. Barging facilities along the Columbia River also are available to serve development on the site. The Port recently installed a $3.5 million crane that can handle a variety of containers and serve other loading functions for industries located at the McNary property. Water access is available approximately 1.5 miles from the McNary site and is easily accessible by paved County roads.

B. Background.

The 321-acre McNary property that is the subject of this exception was part of a much larger (1400 acre) exception area that came before LCDC for acknowledgment in 1985 and 1993. In 1985, and again in 1993, LCDC concluded that Umatilla County had not fully justified goal exceptions to authorize a full range of industrial development within this area.

In December, 2001, the Department of Land Conservation and Development (DLCD) reviewed Umatilla County's Periodic Review submittal, which included an industrial plan designation and heavy industrial zoning for the 321-acre McNary site. DLCD concluded that while the 321 McNary property is non-resource land, "the county has not fully justified the application of their Heavy Industrial zone for this area because some of the uses allowed by this zone are 'urban' in nature and thus, are not uses suitable for location outside an urban growth boundary." DLCD found that certain industrial activities, including general manufacturing, welding shops, wholesale businesses, and eating and drinking establishments, were inappropriate in rural areas and should be located instead inside urban growth boundaries or limited in total floor area square footage.

In December, 2003, DLCD reviewed more recent County planning efforts and reached similar conclusions for the McNary site. DLCD agreed with the County that the subject property was not agricultural land. It found, however, that the County had not yet justified development of urban scale industrial uses on the site. DLCD directed the County to (1) Justify an exception to Statewide Goal 14 in order to provide for urban uses at this location; (2) Define certain uses so that only those that conflict with the urban environment or serve rural or resource uses are allowed; or (3) Apply property development standards to assure that only "rural" uses are allowed, consistent

with Goal 14. DLCD explained that the appropriate Goal 14 exception criteria are set out at OAR 660-014-0040. It also opined that the property likely could not be justified for a UGB expansion because (1) the county had not identified a specific use for the site; (2) the county had not addressed the exceptions requirements as they have been interpreted and refined by OAR 660, Divisions 4 and 14; and (3) the Umatilla UGB already contained an abundant land supply for industrial development over the planning horizon.

C. Exceptions to Goals 14 and 11.

1. Introduction.

This exception seeks to authorize a range of industrial uses, including some "urban" industrial uses, at the McNary Industrial Park. Industrial development at the McNary Industrial Park is critical to the Port's economic development mission, as this is the Port's only land holding that can accommodate a large industrial siting. And because of this site's size, location, and immediate proximity to urban services, industrial development at this site is important as well to the State of Oregon and to Umatilla County and the City of Umatilla.

On December 15, 2003, Governor Kulongoski's Industrial Lands Advisory Committee issued a report addressing what Oregon must do "to be competitive in the global marketplace." The report identified 25 industrial sites "of statewide significance for job creation" throughout Oregon. In so doing, the report emphasized that this designation of "shovel-ready" sites was "but one piece of a much larger process to increase Oregon's supply of 'project-ready' industrial lands."

As described in the exception below, the McNary site can be made readily available for industrial development. The site is located just two miles from an interstate highway (Interstate 82) with easy connections to another interstate highway (Interstate 84). The site can be served by rail and barge facilities. Its 320 acres allows it to serve the needs of industries requiring very large sites. The absence of agricultural activities on immediately surrounding lands means that development can occur with no significant impact to the agricultural enterprises of the area.

If the economic interests of Oregon are to be met, industrial properties must be available for siting when the interest arises. Delaying the process for six months or a year to obtain goal exceptions only encourages industries to locate elsewhere. Stated another way, when an identified industry proposes to locate new development in an area, it is frequently too late to begin work on planning and zoning issues. Industries seeking a new site need land that is already properly zoned and ready for development. For the Port to be successful in its mission of economic development for Umatilla County, and for the State of Oregon to succeed in its mission "to be competitive in the global marketplace", all parties need to "move at the speed of business." New capital investment and new jobs will not occur if required planning actions can delay development by a year or more.

2. Legal Standards for Reasons Exceptions.

Under ORS 197.732(1), a local government may adopt an exception to a goal if the land subject to the exception is physically developed or irrevocably committed to uses not allowed by the applicable goal or if reasons justify why the state policy embodied in the applicable goals should not apply. Because the McNary property is not

physically developed with urban uses or irrevocably committed to such uses, this document provides facts and analysis to support a "reasons" exception to justify urban uses at this rural site.

The rule implementing ORS 197.732 for Goal 14 and Goal 11 reasons exceptions is OAR 660-014-0040, which provides in full as follows:

(1) As used in this rule, "undeveloped rural land" includes all land outside of acknowledged urban growth boundaries except for rural areas committed to urban development. This definition includes all resource and nonresource lands outside of urban growth boundaries. It also includes those lands subject to built and committed exceptions to Goals 3 or 4 but not developed at urban density or committed to urban levels of development.

(2) A county can justify an exception to Goal 14 to allow establishment of new urban development on undeveloped rural land. Reasons that can justify why the policies in Goals 3, 4, 11 and 14 should not apply can include but are not limited to findings that an urban population and urban levels of facilities and services are necessary to support an economic activity that is dependent upon an adjacent or nearby natural resource.

(3) To approve an exception under section (2) of this rule, a county must also show:

(a) That Goal 2, Part II(c)(1) and (c)(2) are met by showing that the proposed urban development cannot be reasonably accommodated in or through expansion of existing urban growth boundaries or by intensification of development in existing rural communities.

(b) That Goal 2, Part II(c)(3) is met by showing that the long-term environmental, economic, social, and energy consequences resulting from urban development at the proposed site with measures designed to reduce adverse impacts are not significantly more adverse than would typically result from the same proposal being located on other undeveloped rural lands, considering:

(A) Whether the amount of land included within the boundaries of the proposed urban development is appropriate; and

(B) Whether urban development is limited by the air, water, energy and land resources at or available to the proposed site, and whether urban development at the proposed site will adversely affect the air, water, energy and land resources of the surrounding area.

(c) That Goal 2, Part II(c)(4) is met by showing that the proposed urban uses are compatible with adjacent uses or will be so rendered through measures designed to reduce adverse impacts considering:

(A) Whether urban development at the proposed site detracts from the ability of existing cities and service districts to provide services; and

(B) Whether the potential for continued resource management of land at present levels surrounding and nearby the site proposed for urban development is assured.

(d) That an appropriate level of public facilities and services are likely to be provided in a timely and efficient manner; and

(e) That establishment of an urban growth boundary for a newly incorporated city or establishment of new urban development on

undeveloped rural land is coordinated with the comprehensive plans of affected jurisdictions and consistent with plans that control the area proposed for new urban development.

3. Compliance with OAR 660-014-0040.

OAR 660-014-0040 (1)

The McNary Industrial Park is "undeveloped rural land" as that term is defined in OAR 660-014-0040(1) because the 321 acres are (1) located outside of an acknowledged urban growth boundary and (2) not committed to urban development. As such, the McNary site is eligible for an exception under this rule.

OAR 660-014-0040 (2)

An exception to allow urban development on, and the establishment or extension of urban services on or to, the McNary site is justified for several reasons:

- To provide for a specific proposed use that wishes to locate at this site and for whom other Oregon industrial properties in proximity to the Columbia River cannot satisfy its requirements;
- To provide, more generally, for urban-scale industrial uses that conflict with and require separation from other urban uses; and
- To provide for urban-scale industrial uses that are rail or barge dependent.

Biodiesel Use

Initially, this exception is needed to enable the Port to locate a specific urban scale industrial use at the McNary site. A company, hereby known as Project: Fuel, has approached the Port seeking to construct a large new facility at McNary that would manufacture Biodiesel from canola seeds. Under Project: Fuel's proposal, canola seeds would be transported into the site by rail and truck, where they would be crushed to extract canola oil. The canola oil then would be shipped out by barge from docking facilities along the Columbia River in Umatilla to a Project: Fuel facility in Portland for refining. Project: Fuel has indicated that the magnitude of the river traffic generated by this use will necessitate a dedicated docking facility.

The proposed Project: Fuel use initially would require about 26 acres for feedstock, product and byproduct storage facilities. Additionally, about 100 acres will be needed for the production facility and parking, including significant acreage for needed rail facilities. Over time, Project: Fuel would expand onto the remaining acreage at the McNary site. A conceptual site plan of the use is on file.

The need for significant acreage results in large measure from the fact that canola seeds would be transported onto the site by "unit trains", which are trains that serve a single industrial use and contain a minimum of 100 rail cars plus engines. Due to their length, these trains require substantial track to accommodate the engines and cars without blocking County or state roads. Consistent with Union Pacific specifications, the rail spur design for a unit train also requires a 640-foot turning radius. Hence, unit trains require parallel tracks.

The McNary site can readily accommodate unit trains. Its long, narrow configuration, combined with the fact it is undeveloped, allow it to accommodate the length of track necessary to avoid blockage of County Roads, as well as the turning radius required. It is estimated that approximately

four miles of rail track would be laid across the property.

As noted, the rail facilities would be used to transport local raw materials onto the site. To Project: Fuel, a partnership with the agricultural community in the region would be an integral part of its business plan. Under this approach, Project: Fuel would buy canola seed locally. This is practical because canola can be planted as a primary crop or as a rotational crop with existing wheat crops both on irrigated and non-irrigated soils. Utilizing local crops will provide benefits both by supporting and expanding the agricultural enterprise of the area and by reducing transportation costs. Contracts can be entered into with farming enterprises for crop sales, increasing growers' revenue. It also should be noted that Oregon livestock can use canola meal (a Biodiesel by-product) instead of soy meal (which is not grown locally).

Project: Fuel has shown particular interest in the McNary site because of its large size, the proximity of its docking facilities, its ability to accommodate unit trains, and its proximity to agricultural growers of canola seed. These special features make the McNary site ideal for the proposed use. While there are two other large industrial properties in the area, these properties are already substantially developed or are bisected by easements or roads in such a manner as to preclude the siting of the Project: Fuel facility on those properties. This issue is discussed in more detail below.

Although the proposed Biodiesel use clearly involves the processing of resource products, the Port believes that the size of the proposed Project: Fuel plant, its need for and reliance on urban sewer and water services, its need for substantial rail track service, and its estimated number of employees (initially about 50, later expanding to over 110), are all indicative of a use that is urban in its nature and scale. For this reason, a Goal 14 exception to allow urban scale development on rural land is appropriate. The Port recognizes that where industrial uses involve the processing or manufacturing of resource products such as farm crops and produce, timber and forest related products, and mineral and aggregate resources, LCDC at times has determined that a Goal 14 exception is not necessary. But a Goal 14 exception is appropriate here, not only due to the number of employees, the miles of track, a large number of buildings, and Project: Fuel's need for urban services, but also to accommodate other urban type uses identified below.

A Goal 11 exception is needed to allow urban scale sewer and water services to be extended to or established on the property. Without a Goal 11 exception, local governments may neither allow the establishment or extension of sewer systems outside of urban growth boundaries nor allow extensions of sewer lines from within UGBs to serve lands outside those boundaries. Both urban scale sewer and water facilities would be needed to serve the Project: Fuel use. As noted, Project: Fuel anticipates hiring about 50 employees to start, expanding to over 110 employees over time. Considering only domestic water needs, this large number of employees alone is of a scale that goes beyond what a well could accommodate. Additionally, Project: Fuel or other users at the site would need water for fire prevention purposes, and future development has a large requirement for water. Project: Fuel plans to develop on-site facilities for treatment of waste-water and storm water runoff. Similarly, the size of the facility and number of employees warrants the extension of sanitary sewer services to the site. Sewer

and water services are both available along Beach Access Road.

Other Urban Uses

Besides seeking authorization to construct the Project: Fuel facility at McNary, this exception seeks authorization to locate industrial uses at McNary that do not involve the processing or manufacturing of resource products. Based on previous LCDC and DLCD orders, the Port recognizes that not just any urban industrial use would be allowed here. The Port believes, however, that the following urban scale uses should be allowed at McNary:

- Urban industrial uses that require very large sites (40+ acres).
- Urban industrial uses that are heavily rail or barge dependent.
- Urban industrial uses that conflict with or are hazardous to the livability of those living within an urban environment

The Port recognizes that there is sufficient buildable urban industrial land already inside Umatilla's UGB to accommodate smaller industrial developments. It also recognizes that non-resource related industrial uses that require rail facilities to handle a relatively small number of rail cars could locate on other industrial sites. This exception is not intended to authorize those kinds of uses at this location.

Instead, this exception limits itself to those urban industrial uses that:

- Require very large acreage (40+ acres);
- Require barge facilities;
- Require deliveries or exportation of raw or processed product by unit trains or trains containing 25 or more cars; or
- Are hazardous to the livability of those living within an urban environment and thus require a location away from residential or commercial uses or light industrial uses.

With its access to rail and barge services, the McNary site is ideal to accommodate such uses and provide them with needed public facilities and services. These uses should be allowed at McNary, in addition to any resource-related industrial uses that might also want to locate at this site.

The availability of exceptions to allow a use that has special features or qualities that necessitate its location on or near a proposed exception site has long been recognized. See, e.g., OAR 660-004-0022 (1) (c). As noted, both rail and barge services are or can be made readily available to the McNary site, including rail service capable of accommodating unit trains. For industrial uses requiring these services, and for industrial developments requiring large acreages, the McNary Industrial Park is the only site that can meet this combination of needs.

There are currently two large industrial properties inside the Umatilla UGB. One, Tax Lot 5N28A-300, contains 142.94 acres located north and south of Roxbury Road near Beach Access Road. Despite its big overall size, this property has been divided into many smaller parcels, including Tax Lot 303 (49 acres); 311 (11 acres); 304 (2 acres), 308 (2 acres), 309 (1 acre), 307 (2 acres) and the like. Much of this property is already developed, as aerial photographs clearly indicate. Other portions of the site are crossed by roads that would preclude large rail spurs like that needed to serve the Project: Fuel facility. Overall, this site

cannot practicably be used to serve industrial developments that are land intensive or require significant transportation infrastructure.

The second industrial property, Tax Lot 5N28A-1201, is located south of Tax Lot 300 west of Beach Access Road. This property could accommodate large parcels. It, however, is closer to developed residential areas inside Umatilla, where livability conflicts could arise. Also, its northern and southern halves are bisected by a 60-foot wide access and utility easement which renders the site unavailable for a use like Project: Fuel that requires unencumbered land over which a unit train may rest while loading or unloading.

In its Umatilla County Periodic Review Report dated December 7, 2001, DLCD stated that certain industrial uses are more appropriately located outside urban areas. These include uses that generally conflict with or are hazardous to the livability of those living within an urban environment, such as wrecking yards, asphalt batch plants and large utility facilities. They also include uses that support other resource related activities, such as food processing facilities or grain elevators. Again, the McNary site has adequate separation from other urban uses to accommodate such conflicting uses. Tax Lots 300 (including all its parcels) and 1201 are much closer to conflicting urban uses located west of Bud Draper Road and may not able reasonably to accommodate such uses.

OAR 660-014-0040 (3) (a)

To satisfy OR 660-014-0040 (3) (a), the County must demonstrate that the proposed use cannot be located inside an urban growth boundary or by intensification of development inside rural communities. The proposed Project: Fuel facility cannot reasonably locate inside Umatilla's existing UGB because existing vacant industrial land cannot accommodate the rail facilities Project: Fuel needs to serve that use, because water-borne traffic is a daily requirement, and because existing vacant industrial parcels inside the UGB are too small. Project: Fuel's need for rail facilities that can accommodate a unit train eliminate Tax Lots 300 and 1201 from consideration. Existing levels of development on Tax Lot 300, and the presence of the easement on Tax Lot 1201, make these lots impractical to serve Project: Fuel's need.

Tax Lots 1201 would likely be able to accommodate one or two large (40+ acre) industrial users on its property. Its proximity, however, to urban residential areas west of Bud Draper Road could significantly limit the types of such uses that could locate there. To support local and regional economic development objectives, it is important to provide more than one site to accommodate such uses. Because of the existing development and parcelization pattern on Tax Lot 300, it is not clear that this site is capable of accommodating very large industrial users in the future.

It is possible that Umatilla could expand its UGB to include this site. Indeed, expanding the UGB now to include the McNary property would be the Port's strong preference. Because of its isolation from conflicting uses, this property could become part of the City of Umatilla and still accommodate urban scale uses that, elsewhere, would conflict with urban livability within the city.

DLCD, however, has indicated in several correspondences that a UGB expansion is not appropriate because the City of Umatilla already has an excess supply of industrial

land, such that there is no "demonstrated need" for additional urban industrial land at this time. Hence, at least for now, the use cannot be reasonably accommodated through expansion of Umatilla's UGB. The Port, however, very strongly believes that if Project: Fuel locates at this site, and if rail lines and urban infrastructure are extended onto the property to serve Project: Fuel's needs and requirements as described above, then the land clearly would assume "urban" characteristics that would warrant its addition to the UGB. This could reasonably occur at any time subsequent to site development. The Port believes such a UGB amendment would then be appropriate, especially given that the City would be the principal service provider to this property.

There are no rural communities in the vicinity that are sufficiently large to accommodate the proposed use. For this reason, the proposed new urban development cannot be reasonably accommodated in existing rural communities.

OAR 660-014-0030(3)(b)

The long term environmental, economic, social and energy consequences resulting from the proposed urban development at the McNary site would not be significantly more adverse that would typically result from the same proposal being located on other undeveloped rural lands for the following reasons. Environmentally, there are no inventoried natural resources located on the property. Water quality would be protected through provision of City sewer and water facilities and through development approval conditions and best practices intended to protect water quality. Air quality can be protected through compliance with DEQ air quality permit requirements applicable to industrial uses locating at McNary, as well as through greater reliance on rail and barge travel than truck travel. Besides being more energy efficient, rail and barge are both cleaner than truck travel in terms of air quality. The site is downwind from residential property located in the City of Umatilla.

To the east and south is the Wanaket wildlife area. The area is utilized by, among other species, deer and birds. It is possible that urban industrial development could adversely affect wildlife in this area, particularly through noise disturbances. Such impacts likely would be no greater than those associated with rural heavy industrial development in the absence of a Goal 14 exception. It should be noted that a Memorandum of Understanding exists between the Port of Umatilla and the Confederated Tribes permitting industrial development right up to the fence line separating McNary from the Wanaket area. The Memorandum addresses how impacts to wildlife from development will be mitigated, as does a deed from the Trust for Public Land to the Port.

Economically, the proposed Project: Fuel use and any other urban industrial uses at McNary would enhance and benefit the economy of the local area. Benefits would arise not only from the creation of jobs at the site, but also through substantial purchases of local raw materials and other needed products and through employee expenditures of income at local businesses. The proposed Project: Fuel use also would help provide a more diversified economy that better supports the community in harder economic times. A description of Project: Fuel's significant economic contributions to the local and state economies is documented. Likewise, other future industrial uses at the site should help protect and expand the local economy. No adverse

economic impacts should result.

Socially, there should be no adverse impacts because the site is separated from the primary residential and commercial areas of Umatilla and because the configuration of the site (1/4 mile wide by 2 miles wide) allows for significant buffering. The prison and trust land to the north and the Wanaket wildlife areas to the east and south pose no social conflicts for this site. To the west of the site are other industrial lands that buffer this area from residential lands farther west. Conversely, the proposed use will generate positive social impacts through its creation of new jobs, contribution to the tax base, and support for local and regional agricultural production.

From an energy standpoint, the proposed Project: Fuel use and other industrial uses would require utilization of energy resources. The Project: Fuel use, however, would substantially reduce gasoline consumption due to its significant reliance on rail and barge travel.

Overall, the benefits of this proposal should greatly outweigh any adverse impacts associated with the Project: Fuel use or with other authorized industrial uses. At other locations this might not be so, particularly given that this site is so well buffered from potential conflicting uses. Further, because this site is non-resource land, it compares favorably to locating these same uses on other undeveloped rural lands that are resource lands, because it does not result in any diminution of the resource base. The McNary site also should have fewer adverse energy impacts than other rural sites based on its immediate proximity to the Umatilla UGB, which can provide an employment base for new industry at McNary, and its ability to accommodate unit trains.

The 321 acres included in the goal exception is appropriate for several reasons. First, while it exceeds the acreage that the Project: Fuel facility requires for the first phase of its development, Project: Fuel has expressed an intention to expand in the future. That expansion would require all of the acreage at the McNary site. This exception would enable expansion to occur in a timely and efficient manner. Second, the additional land is needed to accommodate unit trains. It is anticipated that the rail spur would extend the full length of the property eastward from Beach Access Road and then double back. The presence of this rail spur will commit this whole area to urban industrial development. Third, including all 321 acres in the exception at this time greatly facilitates the Port's ability to attract and locate new industrial users to the area in a timely manner. Given that the area is already identified for rural industrial development, the economic, social, environmental and energy impacts of including all 321 acres in this exception would likely differ little from what would occur if the easternmost 160 acres remained rural. With the limitations set out in this exception, the uses that would locate on the remaining property would be uses that are unlikely to locate elsewhere in Umatilla, due to their size or service requirements or based on conflicts or characteristics that necessitate some separation from urban residential, commercial and light industrial uses. As such, they are not likely to create economic disadvantages for industrial sites inside the UGB. Fourth, the unusual configuration of this site justifies inclusion of the entire property, since all surrounding rural lands are in public ownership. As such, there is no danger that this property would create pressures for other lands to urbanize. With the exception applying to the entire property, the entire McNary site becomes available to respond quickly to the

needs of industry "at the speed of business."

Urban development at the McNary site would not be limited by the air, water, energy or land resources at or available to the site. As previously noted, a full range of public facilities and services is readily available, including public sewer and water, telephone, electricity and gas. Likewise, a full range of transportation facilities and services are available, including state and interstate highways, County Roads, rail and barge. The basalt below the soil surface makes this site excellent to support rail and heavy buildings.

Urban development at the site should not adversely affect the air, water, energy or land resources of the surrounding area. The site is downwind of and well buffered from urban development inside Umatilla with which livability issues could arise. The proposed site is already available for heavy industrial uses that are resource related or require a rural location, and impacts associated with urban industry should be no worse in general. In terms of energy conservation, the Project: Fuel use would help reduce fossil fuel consumption through its utilization of rail and barge facilities to receive raw materials and ship product.

OAR 660-014-0040 (3) (c)

Compatibility with adjacent uses is described in large measure in the analysis under OAR 660-014-0030(3)(b). Because most of the surrounding land is held in public ownership, there are few conflicts that would require mitigation. The largest development near the site is the prison, which should not cause conflicts. As noted, this site already is available for heavy industrial use of a rural nature.

Urban development at the site will not detract from the City of Umatilla's ability to provide services within its jurisdiction, provided that the land can be brought inside the urban growth boundary following its development. Through such action, sufficient revenues are generated to enable the City to avoid adverse service impacts elsewhere. Development at the site also should not pose any problems for continued resource management of land at present levels surrounding and nearby the site. Again, there are no farm or forest uses adjoining or in close proximity to the site. Surrounding lands to the east and south are managed as wildlife areas. Such management can continue if urban development occurs at this site. The same holds true under the current rural industrial designation and zoning for the site.

OAR 660-014-0030 (3) (d)

City sanitary sewer lines and water facilities are located along Beach Access Road immediately west of the site. Electricity and telephone services also are available next to the site, while rail and natural gas services are located about one-quarter mile away. Because of the immediate or very close proximity of these facilities and services, it is likely that an appropriate level of public facilities and services can be provided in a timely and efficient manner.

OAR 660-014-0040 (3) (e)

The Port has discussed this proposal with Umatilla County and the City of Umatilla. Umatilla County, of course, has attempted several times to gain LCDC approval of plan designations and zoning permitting urban scale industrial development at the McNary site. This exception is consistent with that effort. Although the site is outside the City of Umatilla UGB, the City is not opposed to

this effort, provided that any extension of urban services can be followed by annexation to the City and inclusion inside its UGB. Assuming that Project: Fuel or another urban industrial development locates at the site, this should be able to happen soon following the extension of urban services and occupancy of the use, because the property then would have urban characteristics and be committed to urban development.

D Conclusions.

The Port of Umatilla has been approached by Project: Fuel with an outstanding industrial development opportunity that would improve the economic well-being of the City of Umatilla, Umatilla County and their residents. Project: Fuel has researched a variety of locations and concluded that the Port's McNary site is the only site that can meet its requirements, particularly with regard to rail. Project: Fuel wishes to purchase this land and begin development on it as soon as possible.

Goal 14 and Goal 11 exceptions are required to site Project: Fuel's Biodiesel manufacturing facility at the McNary site. The Goal 14 exception is necessary because Goal 14 otherwise prohibits urban scale uses on rural lands and the proposed Project: Fuel use is more urban than rural in its nature and scale. The Goal 11 exception is necessary because Goal 11 otherwise prohibits the establishment or expansion onto rural lands of urban scale services, including sanitary sewer and city water, and the Project: Fuel use requires urban scale sewer and water services. The economic benefits that Project: Fuel would provide to the region, viewed in light of Governor Kulongoski's initiative to make Oregon more competitive in the global marketplace, combined with the fact that the McNary site is the only Oregon site that satisfies Project: Fuel's development criteria, justify why the policies in Goals 14 and 11 should not apply to this site.

McNary Subarea 2 - Tribal Trust Land

The property is held in trust for the Confederated Tribes of the Umatilla Indian Reservation (CTUIR). The property consists of 175.47 acres and is identified as Umatilla County Tax Lot 5N29B-500. The property generally is described as Lots 1, 2, 3, 4, and South Half of Southwest Quarter, Section 7, Township 5 North, Range 29, East of Willamette Meridian, Umatilla County, Oregon. This property is off-reservation Indian Trust Land. The relationship between the County and Indian Trust Lands is described later in this plan. The CTUIR have indicated a future intent to utilize this land for industrial purposes. Although the Indian Trust Land designation excludes it from the County Comprehensive Plan and Development Code jurisdiction, the County must identify it in its Plan and Plan Map for future use should ownership change and it becomes a private land holding.

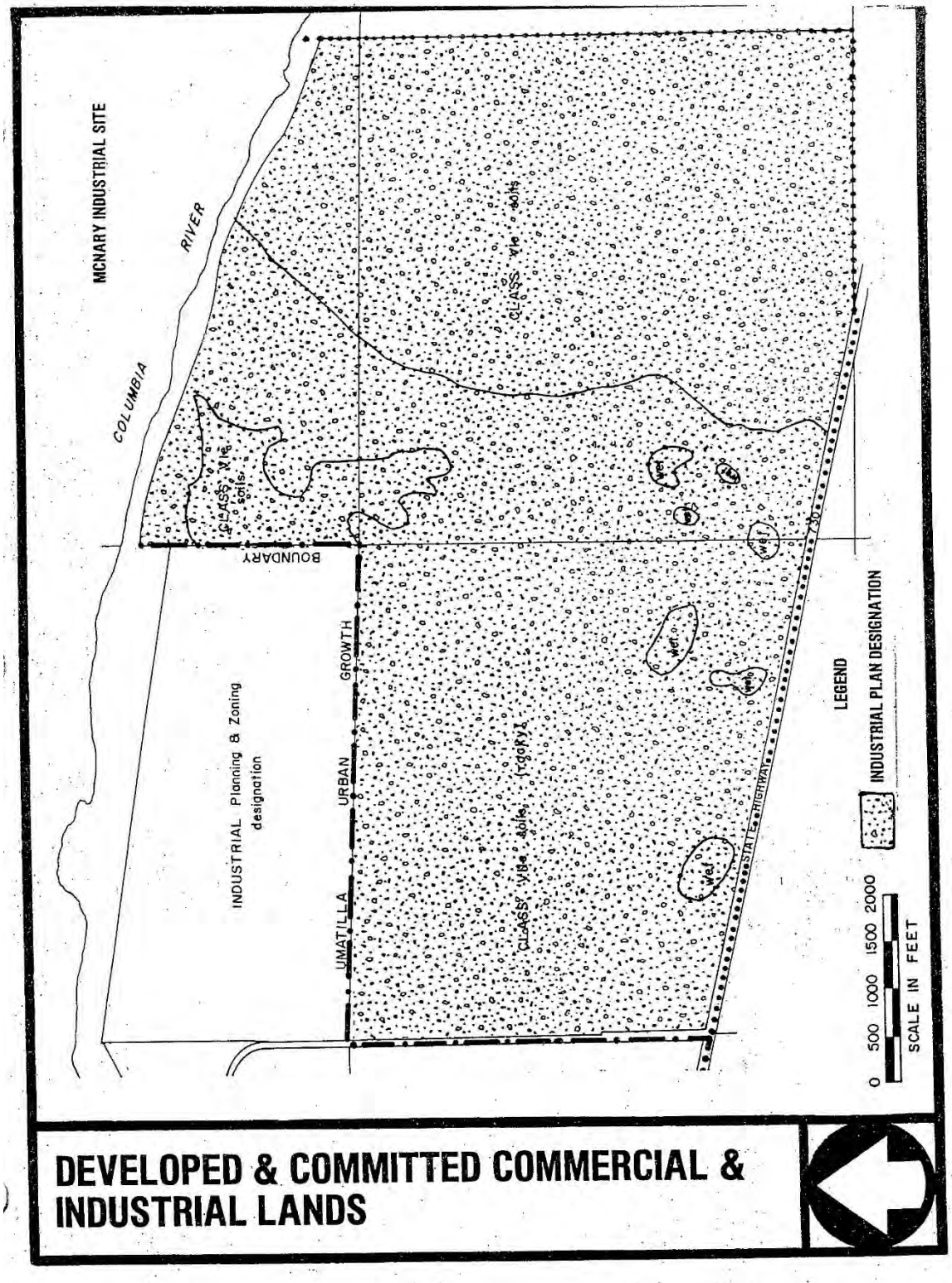
An industrial land use designation would be justifiable for the same reasons as identified for the Subarea 1 exception. The zoning on Subarea 2 will be Heavy Industrial due to it being surrounded by other areas of industrial designation and Heavy Industrial Zoning will apply should the land be returned to non-government or non-tribal ownership. County Comprehensive Plan Map will show a designation of Industrial lands and Zoning Maps will show a Heavy Industrial Zoning for Subarea 2 (see Plan Map 18-73).

McNary Subarea 3 - Federal Land

The majority of this area is owned by the United States of America and managed by the Confederated Tribes of the Umatilla Indian Reservation (CTUIR). This area is identified as Umatilla County Tax Lots 5N28A-1300, 1301 and 5N29B-601, and generally is described as South Half of North Half, and South Half, Section 13, Township 5 North, Range 28, and South Half of North Half, and South Half, Section 18, Township 5 North, Range 29, East of Willamette Meridian, Umatilla County, Oregon.

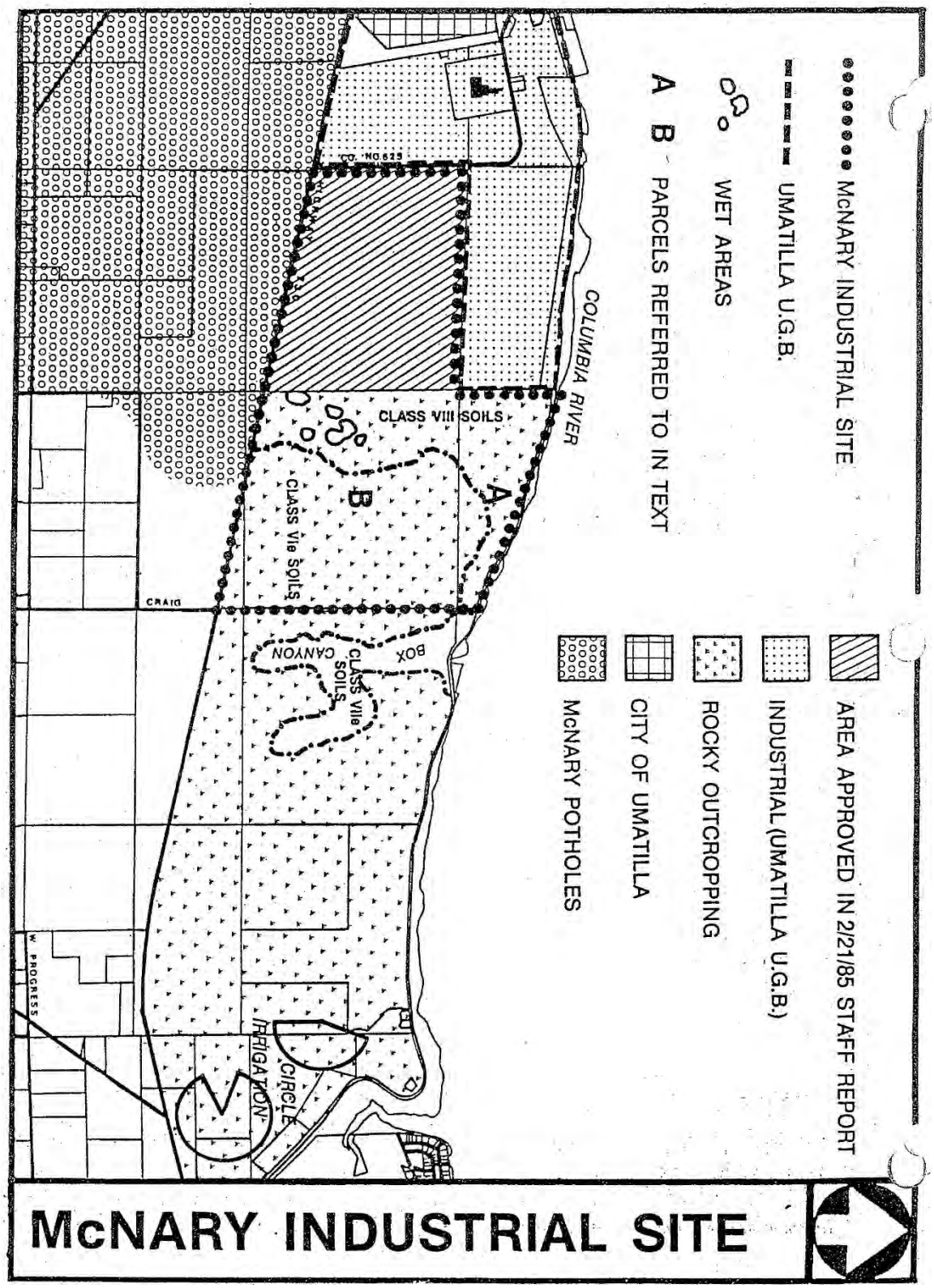
This area is a natural area set aside for Columbia Basin hydropower mitigation and is subject to Statewide Planning Goal 3. The Oregon Department of Transportation (ODOT) owns a small parcel (1.38 acres) bordering the north side of State Highway 730.

Lands managed by CTUIR in Subarea 3 will have a Comprehensive Plan Designation of North and South County Agriculture and County Zoning Maps will show Exclusive Farm Use zoning with a Natural Area Overlay zone. The small parcel under ODOT ownership (Umatilla County Tax Lot 5N28A-1301) will be excluded from the Overlay zoning but will also have the North and South County Agriculture designation with Exclusive Farm Use zoning. Since the lands were acquired by the federal government for the purpose of wildlife mitigation, it is very unlikely that the property would revert to non-federal uses.



XVIII-~~444A~~

Map 18-72 – Developed & Committed Commercial & Industrial Lands (XVIII-444A)



Map 18-73 – McNary Industrial Site (XVIII-44B)

Highway 395 (Area #2)

The County believes that relevant factors under ORS 197.732(1) (a) and OAR 660-04-025 and 028 are available to show that this 800 acres area is developed or irrevocably committed to non-resource uses. Detailed mapping of the area is provided i in this section showing the lands that have been developed already for industrial or other non-resource uses.

This area lies between two urban growth boundaries along a two mile stretch. There is a long history of industrial and commercial development along this stretch which resulted in several developed parcels (see Map 18-74). Development is concentrated most densely along the highway. A private water system serves the area and electricity is readily available to all parcels. Typical development that is common to the area is warehousing on lots of one acre or more in size. Two large auto wrecking yards take up quite a bit of land area.

Of the lands not physically developed within this industrial area, there are three areas that the County believes are justified as irrevocably committed even though they approach manageable sizes for resource use. The first area lies west of Highway 395 south of the race track to Baggett Lane (see north part of Map 18-74), and consists of approximately 100 acres of land which is currently undeveloped. Approximately 80 acres is owned by one individual. The area, though, is severely impacted by surrounding non-resource uses. To the north of this committed area is a sand and gravel operation, retail boat sales yard, and a racetrack and associated facilities; to the east is intensive commercial and light industrial development (warehousing); on the south is an auto wrecking yard, light industrial development (manufacturing and sales), and rural residential development which was approved as developed and committed lands; and on the west is a sand drag racing facility and the Umatilla Butte, which rises quite steeply above the level of the surrounding lands. The butte is federally owned (BLM) and acts as a buffer between industrial uses to the east and rural residential development to the west. A sanitary landfill and gravel pit are located on this BLM property through a leasing agreement with the County and the State of Oregon.

Although this is a fairly large undeveloped area, the surrounding land uses discussed above render this area unsuitable for resource development. Compounding the problems of trying to preserve the land for agricultural use are the poor soils on the site (Class IVe irrigated and Vile non-irrigated: and the lack of any irrigation water for the site. The area is devoid of vegetation and lacks any potential for resource development.

Finally, this committed area is surrounded by the county or public roads, and in some cases these roads go right through the committed area and provide access to other developed parcels.

These roads act not only as an adequate transportation network, but also provide physical boundaries to separate uses, or in the case of Bensel Road on the north, a separation from industrial designated lands within the Umatilla Urban Growth Boundary.

A second committed area lies on the east side of Highway 395 between Bensel Road on the north and Baggett Lane on the south, and consists of approximately 125 acres of undeveloped land. This committed area is severely impacted by non-farm uses on

three sides and a wildlife refuge on the fourth side. The area is also chopped up by a major power transmission line and roads (see Map 18-74).

The land on the north of this committed area is presently used for a bird refuge and administrated by the U.S. Fish and Wildlife Service. The refuge lies north across Bensel Road, which is a two-lane gravel road. Expansion of any industrial activities to the north would be limited by the road and the refuge. To the east is an approved rural residential developed and irrevocably committed area. Several homesites are located along the east side north of the powerline. Further to the south but still along the east side of this committed area is a large warehousing complex which is considered by the County to be developed lands.

The adjacent land uses to the south include auto wrecking yard and several commercial businesses (pump sales, auto body shop, health spa). The entire west side of this committed area is occupied by commercial businesses that cater to the traveling public along Highway 395. The development pattern that surrounds this committed area constricts the use of the land. It is impractical for any continued commercial agricultural operations to continue on this area because of the severe impact the surrounding land uses would have on normal farming activities. Compounding the issue of continued agricultural use of this committed area is the large power transmission line and associated towers that cut diagonally across the area mentioned earlier. Field sizes are reduced considerably because of the powerline and result in field sizes below desirable management sizes. Further, the southern half of this area lacks any irrigation water rights, and the SCS Soil Classification becomes Class Vile soils and virtually useless for agricultural use.

Further justification of the commitment of this land is evidenced by the road system and available electricity supplies that are available along each road. Three county roads provide excellent accessibility on three sides of this committed area. A fourth county road runs through the middle of this area, which provides for a total of three distinct access points to Highway 395, each one spaced roughly equally apart.

The entire developed portion of the Highway 395 industrial area is characterized by light manufacturing and warehousing. Large areas are needed for building, but relatively few employees work for any one particular employer. The County would envision that the committed areas would continue to develop in a similar manner. Thus, the County would anticipate relatively large capital investment on each site with low employee numbers that would require little more than the present basic facilities with those present facilities more than adequate to serve the area. Development that does occur would be buffered from existing rural residential development to the east by the County's Development Ordinance, which requires site review and a 200 foot setback from rural residential areas. Impacts to surrounding uses would thus be minimized if not entirely eliminated.

The third committed area within the Highway 395 industrial area is towards the southern end and on the west side of Highway 395 (see Map 18-74). The area consists of approximately 50 acres under eleven separate ownerships. It is bounded by roads on three sides (on the north a public road, the west by a county road, and the south by Punkin Center Road) and commercial development to the east (see Map 18-75). The area is long and narrow

and not conductive for farm operations because of the surrounding land uses and soil types of the committed area.

The north end of this committed area is bordered by commercial development (fruit stand, second-hand store, bottled gas sales) and light industrial uses (warehousing and a manufacturing plant). The east side is bordered on by several highway-oriented commercial uses (retail sales and service outlets). To the south is the Hermiston Urban Growth Boundary where commercial and residential development has occurred. Along the west side is rural residential development that has been approved as being developed or irrevocably committed to non-resource use. Much of the land on the west has been developed as rural residential already. Within the committed area are five dwelling units scattered throughout this 50 acres.

This committed area also lacks irrigation water rights and results in a SCS Soil Classification of Class Vile. It would be impractical due to the surrounding land uses, and development located in the area, and the lack of water rights, to feasibly use the land for agricultural purposes.

The light industrial activities that have occurred in and are likely to continue in the Highway 395 area would be an appropriate transition from the intense commercial development that occurring to the east. The additional setbacks required by the Development Ordinance will further protect adjacent land uses from incompatibility.

[NEW| GOAL 14 EXCEPTION Added via Ordinance 2005-05 adopted May 31, 2005.

These are the findings of fact and reasons to support an exception to Statewide Planning Goal 14 (Urbanization) for 567 acres of light industrial land that is extensively developed and located along and adjacent to an existing two-mile commercial corridor of State Highway 395, north of the City of Hermiston and south of the City of Umatilla. The exception set out in this document is a combination of (1) a developed and committed exception, and (2) a reasons exception.

This light industrial exception land is located along a two-mile stretch between and abutting the City of Umatilla and the City of Hermiston Urban Growth Boundaries. Most of the industrial property does not abut the state highway, but adjoins the existing commercially zoned exception land that fronts State Highway 395. A Goal 14 exception has been approved for the commercial property along this corridor.

This exception is necessary for the following reasons:

* To provide consistent plan and zone designation for the parcels with split commercial and industrial zoning both have a goal 14 exception.
* To demonstrate that many existing uses are unique, both urban and rural, in character
* To provide predictability for future economic development in the area
* To allow historical pattern and practice to continue for lands which have been planned, zoned, and developed for industrial development for more than 30 years.
* To enable the west county to compete, without the disadvantage of building-size limitations, with economic development in the Tri-Cities area of Washington.
* To encourage the continuation of new and expanding small

businesses.\

* To maximize public and private investment of existing infrastructure such as Highway 395, natural gas lines, electric utility lines, electric substation capacity, and community water system.
* To show that the existing businesses function as part of the regional economy, engaging in commerce with businesses in both urban and rural industrial areas in West Umatilla County, Morrow County and southeast Washington.
* To show that the presence of these urban and rural uses has committed much of the remaining vacant LI-zoned land to urban scale industrial development, and to establish land use regulations that encourage rather than restrict future development within this area.
* To explain why the remaining undeveloped and uncommitted acres of light industrial land should be allowed to develop with uses that are urban or rural in character.
* To preserve the existing connectivity within the Highway 395 commercial and industrial corridor with both the adjoining commercial and industrial zoned and developed lands in this exception area and similarly zoned land within the Umatilla and Hermiston Urban Growth Boundaries.
* To allow structures within the LI zone to be constructed without building size limitations.
* To demonstrate how "rural" and "urban" land uses in this region do not measure up to prescriptive categories applied elsewhere in the state, and further, why and how both "rural" and "urban" industrial development co-locate along the Highway 395 corridor in a unique manner.

A. Background.

The Umatilla County Comprehensive Plan was acknowledged by the Land Conservation and Development Commission in 1983. As part of that plan, the subject industrial area was acknowledged with a Goal 3 exception. The exception was based on the fact that the industrial properties were either physically developed for or irrevocably committed to non-resource uses. The Comprehensive Plan points out that undeveloped industrial parcels along the Highway 395 North area are "severely impacted by surrounding non-resource uses." The Plan describes the extensive public road and electricity infrastructure in place at the time (1983). The Plan also notes the subject industrial parcels do not have irrigation water rights, but that many parcels are serviced by a community water system. (Comprehensive Plan Page 18-301)

When the Umatilla County Comprehensive Plan was acknowledged, it was the entire community's understanding that the subject lands would develop with a variety of industrial businesses, subject to local design review, but without additional restriction. When the Oregon Supreme Court decided *1000 Friends of Oregon v. LCDC (Curry County*), 301 Or 447 (1986), counties were told that rural lands would be subject to Goal 14. To comply, a county either needed to amend its urban growth boundary to include the rural lands, or take an exception to Goal 14. The court ruled that previously acknowledged exceptions to Statewide Planning Goals 3 (Agricultural Lands) or 4 (Forest Lands) were not adequate in and of themselves to permit urban scale development on rural exception lands. Umatilla County, like many counties, waited

until Periodic Review to show compliance with the *Curry County* decision.

The Department of Land Conservation and Development (DLCD) has directed counties to take one of the following three steps to comply with the *Curry County* decision: (1) demonstrate that the existing zoning of exception lands allows only uses that are rural in their nature or intensity; (2) amend the zoning ordinances to limit uses in exception areas to uses that are rural in their nature or intensity; or (3) justify exceptions to Goal 14 to permit urban scale uses in exception areas. As part of its periodic review, Umatilla County has been responding to this directive from DLCD. This document addresses this directive for Highway 395 north industrial properties.

Umatilla County has been engaged in Periodic Review since 1994. The County began work in earnest, on subtask 1E, Goal 14 compliance for commercial and industrial lands, in 2000. The most recent proposal was submitted in September 2004. That work product was approved by the Department's Director, except for the subject industrial lands, which were remanded. The Department's decision included approval of the commercial lands along Highway 395. Those lands abut and surround the subject industrial lands. In summary, the remand concluded, "the reasoning expressed in the findings documents fails to demonstrate why the intensity and pattern of development in the industrial lands justify a Goal 14 exception." And further that the exception had "insufficient documentation." (12/01/04 DLCD Order 001643)

This revised exception responds to the purported shortcomings in two ways. First, it demonstrates the intensity and pattern is unique and suitable for both "rural" and "urban" scale development and it provides additional supporting documentation. Second, this exception includes a "reasons" exception in addition to the "developed and committed" exception.

B. Subject exception in context of *Curry County* decision

The Highway 395 industrial exception is consistent with the direction set forth by the Oregon Supreme Court in the *Curry County* decision. About the question of what a county must do to allow "urban uses" of land located outside urban growth boundaries, the Supreme Court admitted, "some Oregonians perceive [the process to be] bewilderingly complex and beneficial only to a few experts and special interest groups." (301 Or at 449). That statement was true in 1986 and today; it accurately characterizes the perception of landowners in the Highway 395 corridor. Several other findings in the *Curry County* decision are relevant to the proposed exception and support affirmation of the county's request for a Goal 14 Exception.

The *Curry County* decision requires counties to show that "rural land" converted to "urban use" complies with Statewide Planning Goal 14. To make findings, the Supreme Court notes the "necessity of having a working definition of "urban uses" before resolving the questions". To date, LCDC has not adopted a definition of urban industrial use. The LCDC has adopted a definition of "rural" for residential development. That clear and objective definition is referenced in Oregon Administrative Rule (OAR 660 division 4). There, however, is no formal definition of "rural industrial" or "urban industrial." Given that, the LCDC could appropriately defer to the local government definition. Effectively, this has been done by approving

Periodic Review Work Programs that have adopted a variety of definitions and approaches to Goal 14. The rural zones adopted by counties and approved by LCDC are vastly different, allow a variety of uses and make different findings about what is "rural" and what is "urban" in the respective county. That is not an inconsistency in DLCD's approach, rather, it appropriately defers to each local government definition.

LCDC has contemplated the matter of adopting a definition of "urban industrial" on a number of occasions. Recently, the Commission appointed a "Policy Work Group on Commercial and Industrial Development Outside of Urban Growth Boundaries and Unincorporated Communities," to evaluate state land use policies regarding the intensity of commercial and industrial development outside urban growth boundaries and unincorporated communities. Part of the mission of the Work Group is to decide whether the *ad hoc* working definition is sufficient or whether a formal definition should be adopted. The working definition in summary defines "rural" use as any use that is "less intensive" than a use(s) allowed in an unincorporated community and where there is no sewer service. In unincorporated communities, uses are considered "rural" if buildings are smaller than 40,000 square feet in size. Thus, "rural industrial", for purposes of complying with Goal 14 outside of an urban or unincorporated area, includes structures smaller than 40,000 square feet, or 35,000 square feet.

It is not known whether or not LCDC will adopt a formal definition of "rural". Further, if a definition is proposed, it may or may not be tied to building size. Although building size is a clear and objective standard, it is an inaccurate indication of scale and impact of the business. Businesses with small buildings may generate more traffic than businesses with larger buildings for example. Heavier traffic volume is a clearer indicator or scale, and a better way to decide whether the use is "rural" or "urban." This exception for the Highway 395 industrial area includes examples of uses that are "urban" by many measures, but were deemed to be "rural" since the structures on the parcels were smaller than 40,000 square feet.

An additional point warrants clarification to demonstrate the importance of deferring to local government the definition of rural. DLCD staff has reported that if a use is allowed in an Exclusive Farm Use Zone then the use is by definition "rural." The Highway 395 industrial area exemplifies that this is an inaccurate definition. Many uses in the Highway 395 industrial area are allowed in an EFU Zone with a conditional use permit for a "commercial activity in conjunction with farm use." As is noted below, however, most of those uses are best suited in an urban setting, adjacent to major transportation corridors and other, similar businesses. The "commercial use in conjunction with farm use" does not have a building size limitation, which could effectively allow a business to qualify as an "urban" use if the structure was 40,000 square feet or larger. So, in terms of the statewide planning program, it makes better sense to site these businesses on lands that are not productive farm ground.

In the most recent remand, DLCD staff denied the developed and committed exception in part by finding that the majority of existing highway 395 businesses are "rural" since they do not have 35,000 square feet buildings. This is inconsistent with the *Curry County* case where the Supreme Court defined rural land as "those [lands], which are outside the urban growth boundary and

are:

"(a) Non-urban agricultural, forest or open space lands or,

"(b) Other lands suitable for sparse settlement, small farms or acreage homesites with no or hardly any public services, and which are not suitable, necessary or intended for urban use." (301 Or at 456). The Highway 395 industrial uses do not meet the *Curry County* definition of "rural" and therefore the existing uses should be acknowledged as developed and committed "urban" uses.

The *Curry County* decision also acknowledges that "exceptions are not limited to cases where it is "not possible" to apply a goal; each of the three types of exceptions requires a different kind of analysis." The combined "developed and committed" and "reasons" exception for Highway 395 industrial lands area supports this finding.

The *Curry County* decision finds that any exception to Goal 14 must contain supporting evidence that "it is impracticable to allow any rural uses in the exceptions area." *(Id.* at 489.) As "rural" is defined above, as quoted from the *Curry County* decision, rural uses are not at all practical on lands within the Highway 395 industrial area. That is, the Supreme Court concluded that a use is considered "rural" if it meets one of three criteria. The Highway 395 industrial area clearly does not meet one of the criteria since none of the parcels are "suitable for sparse settlement, small farms or acreage homesites."

Similarly, the Supreme Court found that "[t]o take an exception to Goal 3 or 4, a local government need only show that commercial farm or forest use is impracticable, but to take an exception to Goal 14 the local government must show that it is impracticable to allow not only resource use, but also all other rural uses including "sparse settlement, small farms, or acreage homesites. Definition of Rural Land, Planning Goals at 24." (*Id*. at 496). As noted in the acknowledged Comprehensive Plan, the soils are deep, coarse, beach-like sands and irrigation is not available. This has precluded small farms or acreage homesites in this area, both historically and today. Although there are homes in the industrial area, they are not considered farm dwellings and are occupied primarily by owners of the commercial and industrial businesses within the corridor. This Goal 14 exception for the Highway 395 industrial clearly meets the intent of the Supreme Court definition.

In concluding the above analysis of the *Curry County* decision as it pertains to the Highway 395 industrial lands exception, it is important to note that the focus of the Supreme Court's analysis was on whether or not Curry County complied with standards for a "developed and committed exception." Little if any analysis is provided on requirements for a "reasons" exception. But the Supreme Court clearly recognized the opportunities for a "reasons" exception. To wit, a "county may choose instead to seek "reasons" exceptions to Goal 14, pursuant to ORS 197.752(1)(c), for any areas in which it concedes its zoning would allow "urban uses," but on which it believes it cannot prove impracticability of rural use." Where the county demonstrates that commercial farming is impracticable, and where a number of businesses are "urban", the proposed combined, developed and committed and reasons exception appears to be consistent with the intent of this finding.

C. Response to DLCD Remand

The Remand Order makes the following

Preliminary Conclusions relative to OAR 660-014-0030 (3) (a) Size and extent of commercial and industrial uses:

1. The subject area is not heavily developed with industrial uses because 65 of 158 parcels are vacant and many non-industrial buildings exist.
2. Existing industrial activity is not being conducted at an urban level because the average industrial building size is only 5,162 square feet, which is very far below the 35,000 sq. ft. measurement commonly used by the department to determine if a use has exceeded the rural threshold. The largest building is a potato storage facility that could be permitted in an exclusive farm use zone and 60 percent of the existing non-personal industrial buildings are smaller than 5,000 square feet.
3. The existing development pattern does not commit the area to urban uses because all or nearly all of the current uses could be located in a rural zone.

Umatilla County response to the remand findings is as follows: The remand findings are based on the standards for a "developed and committed" exception. This exception is a combined developed and committed and reasons exception. Building size is but one indicator to define "urban." In this area, building size is not an accurate measure of "urban" since many of the industrial uses are contained within buildings smaller than 35,000 square feet but are nonetheless not strictly rural. The type of externalities generated by many of these businesses, such as noise, traffic, and less desirable aesthetic appearances are typically found in "urban" areas. Umatilla County is aware that these industries and businesses are appropriately situated, and best suited at their present site rather than inside city limits, and should be allowed to expand at their present location. The alternative would be to site heavy equipment repair, metal fabrication, industrial welding, truck fueling, truck container switching, industrial machine renovation, general machining and well-drilling equipment, adjacent to residential neighborhoods, which would be contrary to statewide planning goals and would not be good land use planning.

Umatilla County further finds that the conclusions set forth in the remand are subjective in concluding that the area is not predominantly industrial. While the community has permitted numerous alternative uses, such as dwellings, that itself is not adequate grounds to find the area is not predominantly industrial. It is, however, the pattern of industrial development in this area. For example, most of the dwellings were permitted in conjunction with existing businesses, as "night watchman/caretaker" dwellings. This is a practice that enables landowners and business owners to protect their property and businesses on a 24-hour basis. Many of the industrial businesses operate at all or uneven hours because of area heavy industries such as 24 hour farming, railroad, food processing, and power plants.

The "developed and committed" standards for a Goal 14 exception discriminates against more rural areas in that it requires proof of a historical pattern of intense development in order to allow future intense or "urban" scale development. The Highway 395 industrial area has developed as anticipated and at a pace equal to areas near major metropolitan areas. This is occurring after implementation of the statewide planning program. The area is vital to the future development of the

Greater Hermiston and Umatilla area, and the area should not be restricted from becoming a high intensity or "urban" area where jobs and industry flourish.

The Remand Order makes the following Preliminary Conclusions relative to OAR 660-014-0030 (3)(b) Location, number and density of residential dwellings:

1. Residential development in the subject area is nearly as common as industrial development in the subject area because there are 38 dwellings and only 52 non-personal industrial buildings.
2. Residential development is mostly clustered, but is not of an urban intensity even in the areas of greatest density.
3. Residential development in the subject area appears to be mostly unrelated to industrial activities the department can find only seven dwellings that appear to be associated with existing businesses.
4. Residential development within an industrial district can inhibit industrial activities because of complaints about impacts commonly associated with industrial activities.

Umatilla County response to the remand is as follows: As noted above, the reasons for the number of dwellings is that many were permitted primarily as "night watchman/caretaker" dwellings and others are dwellings established by the original business/landowner. Several other dwellings have existed many years prior to the state land use planning program. Further, the county and landowners have envisioned that many of the older dwellings would be replaced at the time a suitable industrial development was ready to locate on site. It is important to note that several of the internally located dwellings within the light industrial zone are owned or occupied by the owner, family member or employee of nearby light industrial property.

The Remand Order makes the following Preliminary Conclusions relative to OAR 660-014-0030(3)(c) - Location of urban levels of facilities and services; including at least public water and sewer facilities. "The county's decision does not make it clear if urban facilities are available in the industrial area."

Umatilla County response to the remand is as follows: Although urban or municipal sewer and water are not immediately available to the area, the area is well served by a community water system, a regional industrial water supply system, natural gas and electricity, all of which have built-in expansion capacity for this area.

The Remand Order makes the following Preliminary Conclusions relative to OAR 660-014-0030 (3) (d) – Parcel sizes and ownership patterns:

1. The average parcel size in the Highway 395 industrial area is 3.26 acres. These small parcels are not generally suitable for urban-scale industrial use.
2. The largest private parcels are not intensively developed because the three largest private parcels include only a 7,000 square feet retail and service business and an aggregate quarry operation.
3. Parties owning the highest number of parcels in the area have not heavily developed their properties because the largest number of parcels owned by one party is 11, most of these parcels are not contiguous and only three businesses are located on the

entire 11-parcel ownership.

4. The largest private contiguous ownerships are not heavily developed because the four contiguous ownerships larger than 20-acres include the area's three largest parcel that are developed with 7,000 sq. ft. retail and service business, an aggregate quarry operation and the only other developed on these ownerships are an auto salvage business and two residences.

Umatilla County response to the remand is as follows: The remand finding that 3.26 acres is not suitable for urban scale industrial use is not supported by any documentation or standard. Parcel size is but one way to evaluate the area's suitability for future development. Economic development entities continuously request a variety of parcel sizes for economic development. This variety of parcel sizes is part of the appeal and potential for economic development offered in the subject highway 395 industrial area.

The remand finding that the private parcels are not intensively developed due to smaller building sizes is inconclusive and, it is not an indicator of whether a use is urban or rural. For example, the Lift Company, a business that remanufactures hydraulic equipment, primarily forklifts, has medium-size structures on several small parcels under common ownership. The site is filled with hundreds of forklifts. Those forklifts are shipped all across the United States and Canada. The owner re-located to Hermiston area from the Portland area because of the dry climate and easy access to highways for shipping. By most measures, this is an urban use, in spite of the fact that the building is smaller than 35,000 square feet. Reddaway Trucking is another example of an urban industrial use whose business operation does not warrant a large building. Sanitary Disposal, Inc. the county's largest garbage and waste disposal company operates at an urban level all hours and must have expansion capacity.

Common ownership enables greater potential for industrial site selection because pooling and assembly at the industrial sites is critical. Many of the active business sites make up multiple parcels and several contain both Commercial and Light Industrial zoning designations.

For the reasons noted above, Umatilla County believes the DLCD remand is incomplete and, together with the "developed and committed" and "reasons" exception findings below, the area should qualify for an exception to Goal 14. Umatilla County incorporates the analysis contained above, together with the response and analysis below, to demonstrate why the area should be allowed to develop at an urban level.

D. LCDC Recommendation

At the July 15, 2004 LCDC meeting in La Grande, several members of the public, business, and private community made a presentation to the Land Conservation and Development Commission. The advice given by the Commission to DLCD staff was to "do no harm" to property owners along the Highway 395 corridor. Commission member Hanley Jenkins encouraged Hermiston community members to consider a reasons exception for the area. In response to Commissioner Jenkins' recommendation, this exception document includes both a developed and committed and a reasons exception.

E. Legal Standards.

Under ORS 197.732(1), a local government may adopt an exception to a goal if:

(1) The land subject to the exception is physically developed to the extent that it is no longer available for uses allowed by the applicable goal;
(2) The land subject to the exception is irrevocably committed to uses not allowed by the applicable goal because existing adjacent uses and other relevant factors make uses allowed by the applicable goal impracticable; or
(3) Reasons justify why the state policy embodied in the applicable goals should not apply.

There are facts and reasons to support all three kinds of goal exceptions.

As relevant to Goal 14 exceptions, the rules implementing ORS 197.732 are set out at OAR 660-014-0030 and 660-014-0040.

1. Physically Developed Exceptions.

By most standards, the subject area is committed to development. The controversy between the state and county is not whether or not the area should be zoned and developed as industrial, but to what intensity the land can develop. To qualify for a developed exception to Goal 14 the county must show the land is committed to an urban scale and that the pattern and practice of development is at an urban scale. To do this, an area must have in place the types of "urban" development that are typical in other parts of the state. This is typically defined as buildings 35,000 square feet or more.

This is an extreme disadvantage to rural counties, many of which embodied 'frontier' characteristics in the late 1970's when land use plans were adopted. Today, many rural counties and cities would like to promote higher intensity and a greater diversity of development but are constrained by Goal 14 from doing so. In order to accommodate regional differences in the state, Umatilla County requests the LCDC allow some flexibility in this instance and recognize that some of the Highway 395 area is developed to "urban" scale.

LCDC's *ad hoc* "safe harbor" rule recognizes "urban" uses as uses that are within buildings that are 35,000 square foot or larger. The safe harbor does not fairly recognize that many "urban" uses occur within buildings smaller than 35,000 square feet. That is arguably the situation in the Highway 395 industrial corridor, wherein most buildings are smaller than 35,000 square feet, but for other reasons should be considered "urban". Examples include number of employees, residences of employees, area of service, local and regional availability of infrastructure, etc. Aside from the fact that many of the existing businesses do not have buildings larger than 35,000 square feet in size, several businesses appear more "urban" than "rural."

Examples:

* Truck staging – Reddaway Trucking, FedEx, Ramirez Trucking, have facilities that serve as a regional or international hub for shipping and trucking operations.
* The Lift Company is a company situated on four acres, with hundreds of small, medium and large remanufactured forklifts shipped and sold all over the U.S.
* Sanitary Disposal Inc.
* Metal fabrication – Machinery – Yards for storage must be ample in

size
* Cement/gravel/sand extraction and processing
* Auto salvage, crushing and recycling such as Bert's, J & J, Hermiston Auto Recycling and Buwalda Scrap Metal

2. Irrevocably Committed Exceptions.

OAR 660-014-0030(2) provides: "A decision that land has been built upon at urban densities or irrevocably committed to an urban level of development depends on the situation at the specific site. The exact nature and extent of the areas found to be irrevocably committed to urban levels of development shall be clearly set forth in the justification for the exception. The area proposed as land that is built upon at urban densities or irrevocably committed to an urban level of development must be shown on a map or otherwise described and keyed to the appropriate findings of fact."

OAR 660-014-0030(3) requires that a decision that land is committed to urban levels of development be based on findings of fact supported by substantial evidence in the record. The findings must address: (a) the size and extent of commercial and industrial uses; (b) location, number and density of residential dwellings; (3) local of urban levels of facilities and services, including at least public water and sewer facilities; and (d) parcel sizes and ownership patterns. Under OAR 660-014-0030(5), more detailed findings and reasons must be provided to demonstrate commitment to urban uses than are otherwise required to show that is currently developed at urban densities.

3. Reasons Exceptions.

OAR 660-014-0040 governs reasons exceptions. Under this rule, a county may provide facts and reasons to justify an exception to Goal 14 to allow urban uses on undeveloped rural lands. Those reasons may include, but are not limited to, findings that an urban population and urban levels of facilities and services are needed to support an economic activity that is dependent upon an adjacent or nearby natural resource.

Also under this standard, a county must demonstrate that the proposed urban development cannot reasonably be accommodated in or through expansion of existing urban growth boundaries. Further, it must show that the long term economic, social, environmental and energy consequences resulting from urban development at the proposed site with measures designed to reduce adverse impacts are not significantly more adverse than would result from the same proposal being located on other undeveloped rural lands; that the proposed urban uses would be compatible with adjacent uses; and that the uses can likely be timely and efficiently served with appropriate levels of public facilities and services.

F. Physically Developed/Irrevocably Committed Exception.

The 1983 exception in the County's comprehensive Plan described most of the Highway 395 industrial lands as physically developed and three parcels that were "not physically developed within this industrial area" but that qualified as "irrevocably committed even though they approach manageable sizes for resource use" (Plan page 301). Since 1983, there has been significant new development. The three less developed areas now contain some level of industrial development. The state agreed with the finding and approved the exception

to Goal 3.

In the 20 years since the Plan was acknowledged by the State, there has been significant development within the Highway 395 corridor. The subject Goal 14 exception is also based, in part, on finding that the industrial area is developed and committed, to higher intensity or "urban" uses. The subject Goal 14 exception area is smaller than the Goal 3 exception area; it excludes the 157 acres owned by the U.S. Bureau of Land Management.

The nature and extent of physical development is shown on the aerial map of the Highway 395 area. That map depicts buildings of many shapes and sizes, including some buildings that are extremely large.

Of the 156 tax lots, owners of 53 industrial lots also own individually or by entirety, lots within the adjacent area zoned Retail, Service, Commercial (RSC). Thus 34% share common ownership. Those RSC lots were recognized to be predominantly developed and committed and were approved as a Goal 14 exception area. Of the 113 total RSC lots, owners of 62 lots also own individually or by entirety, parcels zoned Light Industrial. Approximately 55% are in common ownership. This common ownership supports the conclusion that the light industrial area is developed and committed and should also be approved as a Goal 14 exception area. Such a significant amount of common ownerships is unique in Umatilla County and is likely statistically unique in Oregon, further supporting justification to allow the industrial, as well as the commercial parcels to be developed without building size limitation.

Cumulatively, these existing developments commit several undeveloped properties to urban scale industrial uses.

All of the above-noted areas are served with electricity, gas and telephone service. Many of the areas are also served by a long standing community water system designed to service the light industrial sites. Water is also provided through individual wells. Since much of the area is within a Critical Ground Water Area, industrial uses will be limited to uses that are (1) not heavily water dependent and (2) are adequately served by an exempt well. Sewer facilities are provided through on-site subsurface facilities. The primary access to the area is State Highway 395.
As documented, parcels in the area vary significantly in size, with many parcels under 10 acres, a number of parcels between 10 and 50 acres, and two parcels between 50 and 100 acres. By their size, these parcels are capable of supporting urban-scale industrial development. According to economic development agencies and professionals, new industries seek a range of parcel sizes. The variety of parcel sizes in this Highway 395 industrial area are ideally suited for marketing to new industries. These new industries would complement existing industries and businesses located within city limits and at the Port of Umatilla, where larger parcels are available for industrial development.

Many of the parcels are in common ownership with lands zoned commercial. The commercial properties are planned and zoned for urban scale development; a Goal 14 exception was approved for these lands. As such, many "vacant" tax lots are, in fact, used in conjunction with development on contiguous, commonly owned, urban parcels.

In summary, the scale and intensity of the uses in this area represents a unique pattern

of industrial development; higher "intensity/urban" uses better suited outside city limits.

G. Reasons Exception.

There are numerous reasons to justify a reasons exception to Goal 14 for the highway 395 industrial area:

- * To provide consistent plan and zone designation for the parcels with split commercial and industrial zoning so both have a goal 14 exception.
- To demonstrate that many existing uses are unique, with both urban and rural characteristics.
- To provide predictability and security for future economic development in the area
- To allow historical pattern and practice to continue for lands which have been planned and zoned for industrial development for more than 30 years.
- To enable the west county to compete without a disadvantage due to building-size limitations, with economic development in the Tri-Cities of Washington.
- To encourage the continuation of new and expanding small businesses.
- Many of the businesses support economic activity on local farming operations. This is important to overall economic and regional wellbeing. Examples of existing businesses that trade or conduct activity on regional scale: trucking, pump repair, machining, welding, and wood fabrication, gravel extraction and the design, construction and installation of assembly lines in industrial plants, tractor repair, and hydraulic services.
- The development is better suited along Highway 395 than in the UGB due to noise, aesthetics, safety, smell, light, work hours, etc.
- To maximize public and private investment of existing infrastructure such as Highway 395, natural gas lines, electric utility lines, community water system and their built in expansion capacity.
- The existing businesses function as part of the regional economy, engaging in commerce with businesses in both urban and rural areas in West Umatilla County, Morrow County and southeast Washington and beyond.
- The presence of these urban and rural uses has committed much of the remaining vacant LI-zoned land to urban scale industrial development.
- To establish land use regulations that encourages rather than restrict future development.
- The remaining undeveloped and uncommitted acres of light industrial land should be allowed to develop with uses that are urban or rural in character
- To allow structures within the LI zone to be constructed without building size limitations
- To demonstrate how "rural" and "urban" land uses in this region do not measure up to prescriptive categories applied elsewhere in the state, and further, why and how both "rural" and "urban" industrial development co-locate along the Highway 395 corridor in a unique manner.

On December 15, 2003, Governor Kulongoski's Industrial Lands Advisory Committee issued a report addressing what Oregon must do "to be competitive in the

global marketplace." The report identified 25 industrial sites "of statewide significance for job creation" throughout Oregon. In so doing, the report emphasized that this designation of "shovel-ready" sites was "but one piece of a much larger process to increase Oregon's supply of 'project-ready' industrial lands."

The Executive Summary to the report sets out findings explaining why the 25 selected sites are of statewide significance for job creation. Like a broken record, those findings repeat, again and again, the critically important role easily accessible freeway access plays in determining prime sites for light manufacturing and/or warehousing and distribution. For example, all five of the recommended sites in Northwest Oregon were noted for their excellent access to the freeway system, with at least three sites being within "minutes" of a freeway interchange. Similarly, the report stressed freeway accessibility as a principal reason for designating most of the sites recommended in Western and Southwest Oregon and in Eastern Oregon as shovel-ready sites of statewide significance for job creation. Representative samples of the findings include:

* Hillsboro—Shute Road: "This highly desirable site in Oregon's high tech corridor is about 350 feet from a major freeway Interchange."
* Albany—Kempf: "This site is highly marketable because it is adjacent to I-5 and located mid-way between CA and WA with easy access to Oregon's metro areas."
* Central Point—Airport/Orchard/Hamrick Rd: "Conveniently located between to I-5 interchanges and the Jackson County commercial airport, this level, roughly rectangular site is expandable to an estimated 70 acres."
* Medford—NE Airport: "Located in the city limits of Medford, this large site is close to I-5, Highway 62 and the Medford Airport."
* Baker City—Elkhorn Industrial Park: "Baker City is located on I-84 and is well positioned to attract industry from the Boise metro area."
* Hermiston—Hermiston Industrial Park: "The market potential of this site is its access to rail (Union Pacific), water (Columbia River) and road (I-82 and I-84)."

Overall, for most of the 25 sites, proximity to freeway or highway access was a primary consideration in determining that they were of "statewide significance for job creation". Consistent with these findings, the Highway 395 industrial area would also appear to be of statewide significance for job creation. Like these other industrial areas, the Highway 395 light industrial area shares the benefit of highly convenient highway access.

The locational advantages of the Highway 395 area are numerous. Like the "shovel ready" Hermiston Industrial Park, the Highway 395 industrial area is an ideal location for manufacturing and other industrial uses that complement the Hermiston Industrial Park, the Hinkle/Simplot Industrial area and the multi-modal –dependent development at the Port of Umatilla. The locational advantages of this site warrant approval of a Goal 14 reasons exception allowing such uses to locate on the small amount of remaining undeveloped/uncommitted industrial lands within this area.

The fact that the Industrial Lands Advisory Committee Report identifies the 306-acre

Hermiston industrial park as a prime site for the warehouse and distribution industry compliments the importance and value of the highway 395 industrial area. Indeed, the industrial lands report states that the initial designation of shovel ready sites is just a first step in a "much larger process" to increase the state's supply of project-ready sites. That language suggests a statewide need for more than just one prime site serving warehouse and distribution industries in the Hermiston area. The locational, historical and commercial advantages of the Highway 395 light industrial area warrant the availability of all lands, particularly since many of the Highway 395 businesses provide services such as machining and manufacturing that support the other industrial areas in west county.

In Executive Order No. 04-04 Governor Kulongoski created the Office of Rural Policy. The purpose is to foster development in rural areas. This attention to rural needs is significant and important. The subject highway 395 area does not meet the definitions provided in the list. The area is unique, not entirely "urban" and certainly not "rural" by definition provided in the Executive Order. Development and urbanization of the highway 395 area is important to protect in order to carry out the intent of the Executive Order, which is to "maximize economic development opportunities."

In the February 2004 "City of Hermiston Residential Buildable Land Inventory", the author, Hobson Ferrarini Associates, concluded that a "distinguishing characteristic of the local economy is its stability. Over the last 12 years there have been no net jobs losses, despite the current recession. The stability of the local economy is owed in large part to the character and diversity of its economic base. No single industry accounts for more than 30% of total employment. In addition, the three largest employment sectors are in relatively stable industries: services (29.6%), government (23.2%) and manufacturing (13.7%). Although manufacturing is a volatile sector nationally, local manufacturing is more stable because it is based primarily on food processing, which is less impacted by the business cycle." This conclusion speaks directly to the types of businesses located in the Highway 395 industrial area. The industrial businesses are vital to the overall success of the diverse and stable economy. A goal 14 exception would allow those businesses to continue to expand and grow.

In a more recent publication, Lane Shetterly, Director, DLCD released a paper on July 14, 2004 about the regional differences in Oregon's Land Use Program. The report is insightful and shows many examples of how "Oregon's land use planning laws recognize many of the ways in which different parts of the state have different needs and interests. One size does not fit all." The subject industrial area is an example of unique development that is both urban and rural in scale and scope. The study would also seem to support justification to approve a Goal 14 exception for the area, to recognize the regional differences and allow the area to continue to grow.

The long term economic, social, environmental, and energy consequences of allowing urban scale development on the remaining undeveloped/uncommitted portions of the Highway 395 area are all positive. Economically, this is an ideal location for urban scale. Given its locational advantages and proximity to Tri-Cities, Washington, this site has tremendous potential to have statewide significance for

job creation. Trade of services, products and purchases between the 395 area and Tri-Cities are significant dollar and volume wise. With a less than 45-minute commute by I-84 this trend will continue. Socially, new industries in the area would improve the local economy and thereby benefit the local population. West Umatilla County is experiencing strong and stable growth in large part because of its commercial and industrial land inventory. Moreover, the location of these uses in very close proximity to Highway 395 (and SE Washington and the Port of Umatilla) means that the associated truck traffic can avoid residential areas where it could create conflicts. There are no significant environmental resources in this area that would be affected by such uses. There are significant energy advantages of siting urban scale manufacturing and service industries within one-half mile from Highway 395 and adjacent to existing electric facilities.

Allowing urban scale light manufacturing uses on those remaining portions of the Highway 395 light industrial area that are not already physically developed with or committed to urban industrial uses also should not pose any compatibility problems with adjoining properties, for several reasons. First, light industrial uses typically are compatible with agricultural practices. Second, current zoning already permits a wide range of light industrial uses to locate on these lands, and as noted, many of the existing uses are not strictly urban or rural in their nature or scale. The existing uses have not proven to be incompatible with nearby farming operations or farm practices. Accordingly, allowing urban scale/high intensity, light industrial development on the undeveloped/uncommitted lands in this area should have no significant adverse impact in terms of use compatibility.

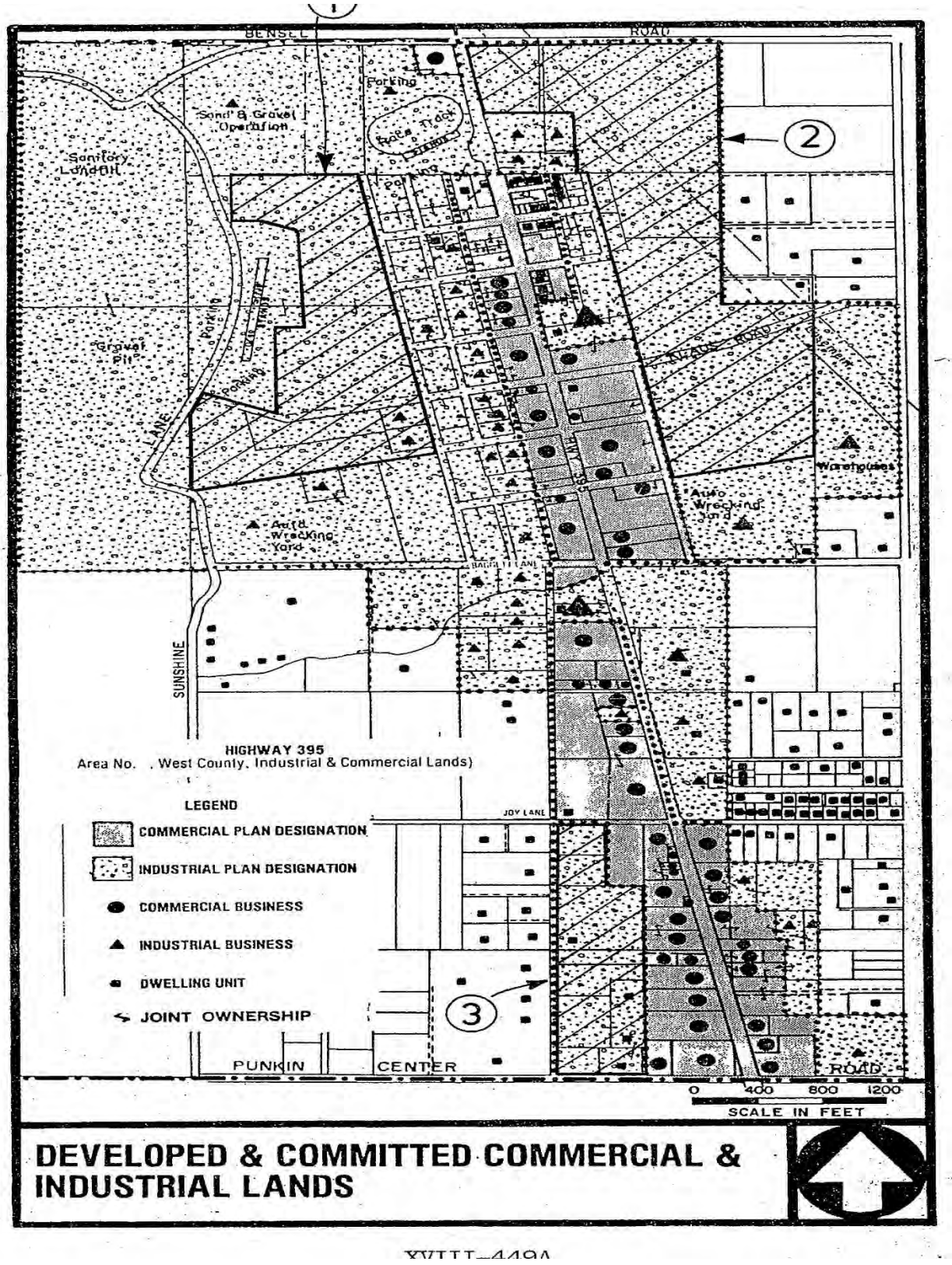
It is important to note the West County conversion from small family farms (20 to 160 acres) to the current industrially operated farms of several thousand acres per farm operation. These farming operations use very large, powerful and expensive equipment, machinery, processing and storage facilities. The 395 industrial trades have for over 20 years kept these farm operations running, as well as the major processing plants, on a 24 hour per day, 7 day a week schedule when necessary. The area's industrial needs, light and heavy, must remain adaptable to the changing needs of our agricultural industry, be it "urban" or "rural."

Approval of this Goal 14 reasons exception should have no adverse impact on the ability of existing cities and service districts to provide services. This is documented by the letters of support from City of Umatilla, City of Hermiston, and Port of Umatilla. This has not been an issue for the many existing urban-scale industrial uses in the area, and there is no good reason to believe it would be an issue for new uses. As light industrial uses and farming are generally compatible, approval of the Goal 14 reasons exception also should have no adverse effect on the existing land use pattern. Given the nature of the kinds of light industrial development that would be permitted in this area, an appropriate level of public facilities and services can be provided in a timely and efficient manner. Those public facilities will be limited to a community water system and electrical power. Wastewater would continue to be on-site septic. It is noted that much of the Highway 395 area is a designated Critical Groundwater Area. Consistent with that designation, unless or until this area was included inside an urban growth boundary, urban industrial uses in the area would be limited to those that are (1) not heavily water dependent, or (2) rely

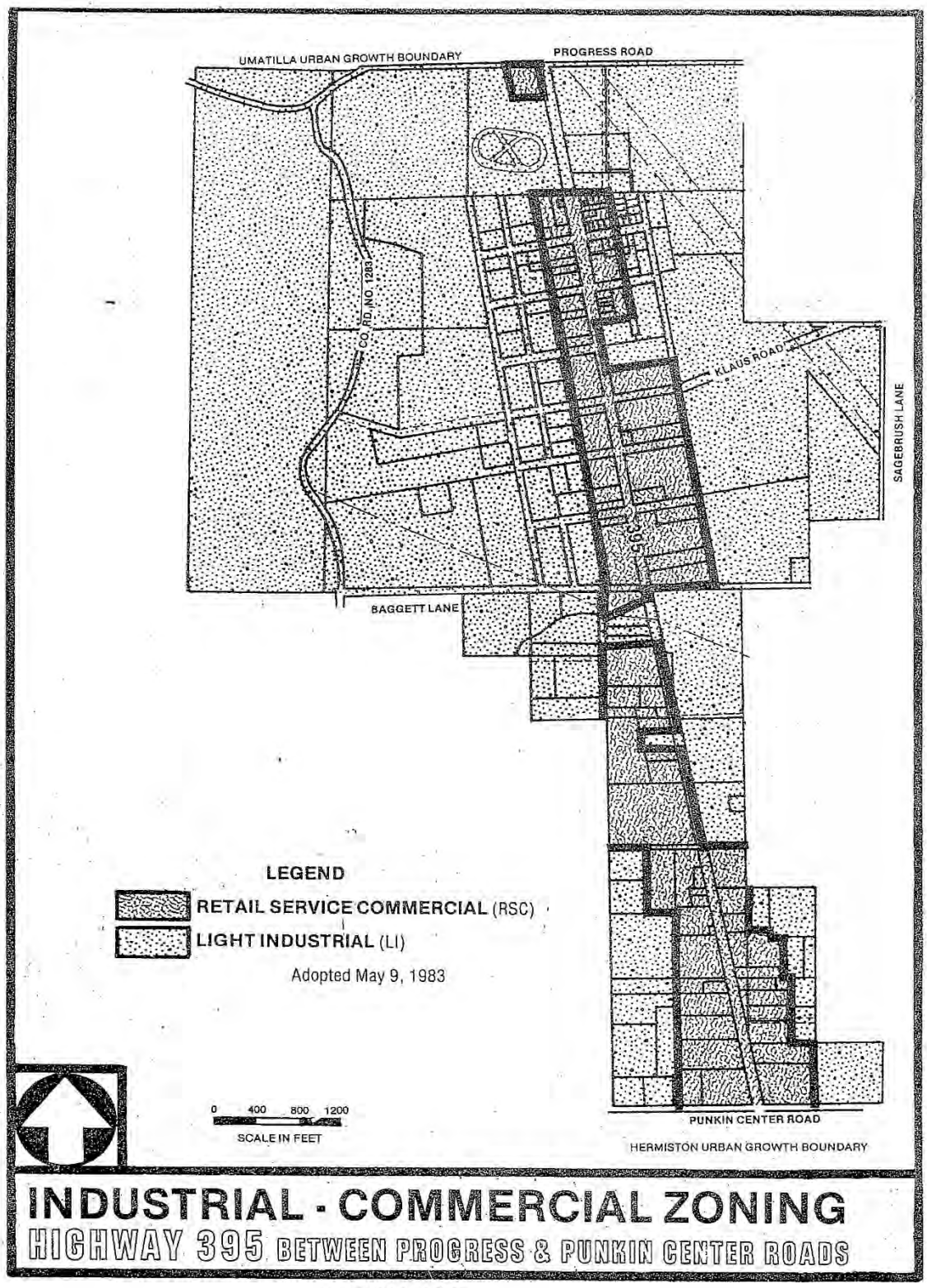
on an existing water supply or existing water rights.

H. Conclusion

Based on these findings, Umatilla County, the landowners, Cities and Port District support approval of a Goal 14 exception for the Highway 395 light industrial area, excluding the 154.7 acres owned by the Bureau of Land Management.



Map 18-74 – Developed & Committed Commercial & Industrial Lands (XVIII-449A)



Map 18-75 – Industrial - Commercial Zoning, Highway 395 between Rogers and Punkin Center Roads (XVIII-449B)

Westland (Area #3)

This industrial area has been reduced in size from earlier planning efforts. After a re-examination of land uses, originally 64 0 acres was considered for an industrial land use designation. This figure has been reduced to 430 acres after further review. Some acreage was removed and a major livestock feedyard was designated Agri-Business to better reflect the existing land use. Of the remaining 430 acres of land, approximately half or 215 acres are physically developed (see Map 18-76). The remaining 215 acres the County believes are committed under the requirements of OAR 660-04-028 and are located in five distinct areas with the Westland Area.

This first area under discussion and labled #1 on the above mentioned map is on the north end of the Westland Industrial Area and consists of approximately 45 acres of land under one ownership. It lies on the southern side of Westland Road between the road and the Westland Canal, which is a large open ditch which provides irrigation water for agricultural land to the north. The lands across Westland Road to the north and west are currently under agricultural production. To the east are two warehouse buildings that house light industrial type activities (wholesale supplies) and a one acre residential development that is 75% developed. The remainder of the land on the east side is vacant land. To the south across the Westland Canal is irrigated farmland, while to the southwest is developed industrial land, including a cold storage warehouse and a potato processing plant.

Currently electricity, gas and telephone service are available to this area. A major electrical substation is located southwest of this committed area. The area also fronts along Westland Road, which is a paved, two-lane road. Westland Road provides direct access to 1-84, which is 1 1/2 miles to the south, and the City of Hermiston, which is six miles to the northeast. Interstate 82 is also under construction and direct access to it will be provided from Westland Road. 1-82 would only be 1 1/2 miles to the west and will provide access to points north in Washington.

The soils on this committed area and adjacent lands are Quincy Loamy Fine Sand, Gravelly Substratum and Quincy Fine Sand. The predominate soil on this committed land is the Loamy Fine Sand, which has an SCS agricultural land capability of Class IVe irrigated and Class Vile non-irrigated. Although there are 122 acres in one ownership on and adjacent to this committed area, the farmability of this area is severely restricted by the Westland Canal. As stated earlier, this is a large, wide irrigation canal that has no bridge across it to connect the two fields. In reality, there are two separate fields: one of approximately 45 acres north of the canal and the other of approximately 77 acres south of the canal. The 44 acre parcel is that part which the County believes is committed.

The road and the canal form physical barriers to the extension of any agricultural consolidation efforts in this area. Along with developed industrial lands on the other two sides, it is impractical to continue farming this site. With the road, canal and adjacent industrial activities on opposite ends, this committed area is sufficiently buffered from other resource uses*

The second committed area labeled #2 on Map 18-76 is just east of the intersection of Westland and Walker Roads. It consists of 12.30 acres of land that is bounded on all

sides by the Westland Canal and Westland Road. This area is surrounded by other developed industrial lands which include a major food processing plant, warehousing and a furniture store. The development that surrounds the property makes it impossible to combine it in with any agricultural land, and its small size makes the parcel impractical to farm by itself (see Map 18-76).

The third area is along the west portion of the Westland Industrial Area across from the food processing plant. The site contains a little less than 80 acres. To the north of this site is agricultural land (circle irrigation). To the east is a developed industrial land. To the south is marginal grazing land, and to the west is agricultural land under irrigation. A large potato warehouse with rail access is located in the southeast corner of this area (see area #3 on Map 18-76).

Although there is agricultural land on two sides of this area, it is well buffered from these resource areas. The area is encircled by three roads and the mainline of the Union Pacific Railroad. The site is buffered from the- circle irrigated land to the north by freeway located to the west. The agricultural land on the west is being impacted by the construction of 1-82 and will severely curtail agricultural operations to the west. On the south is the mainline of the Union Pacific Railroad that has a right-of-way that is 200 ft. wide. This wide of a buffer provides an excellent separation from the very marginal agricultural lands to the south.

The size of the parcel which is under one ownership is also deceptive. Although it is near 80 acres in size, it is divided diagonally by a county road and along the east by the Westland Canal (discussed earlier). The configuration of the road and canals severely reduces its potential for agricultural activities. The soils on the property are Quincy Loamy Fine Sands, Gravelly Substratum, and have an irrigated land capability of Class IVe and a non-irrigated rating of Class Vile. A check of water rights shows that the site only has a 12 acre water right. The site is within a critical groundwater area and it is doubtful that further water could be obtained. Thus, a majority of the property is classified as having Class VII soils which are very poor agricultural production.

Locational factors also lend this site to being committed for industrial use. Presently a spur line from the mainline of the railroad services the potato warehouse. Extension of this spur line could be completed with little problem. Rail access is a desirable feature for potential industrial users. The site also has direct access to two freeway systems, which is also a desirable attribute for industrial users. These factors make this site attractive for industrial development.

The fourth area labeled on Map 18-76 lies across the railroad tracks to the south from the third area described above. The site contains approximately 60 acres and is part of a larger 190 acre tract of land under single ownership. Over half of the land is to the west and southwest. Surrounding land uses include the mainline of the Union Pacific Railroad and a large potato warehouse to the north. To the east is a large potato plant, a tavern and mobile home park. To the south is the Westland School site, light industrial warehousing, and a horse race track and related buildings. To the west is vacant sagebrush covered land that is under the same ownership as this committed piece and the mainline of the railroad. Presently this site has electricity and phone service available to it and is adjacent to

Westland Road on the east side of the property. The site would also have rail access available. Presently the property owner is negotiating to sell 15 acres along the railroad tracks to a trucking firm. A new fifty-foot right-of-way is proposed to serve the development that will parallel the railroad tracks approximately 500 ft. to the south. The site is less than 1/2 mile to 1-84 and less than a mile from direct access onto the new freeway, 1-82.

This site lies between two developed industrial areas with the major potato processing plant and cold storage facility to the north, and the light warehousing and race track and facility to the south. Because of its close proximity to this existing development, available rail facilities and closeness to two major freeways, the site is ideally suited for industrial development. In fact, as stated earlier, a long haul trucking firm is negotiating to purchase a portion of this property and locate on the site because of its good access to the two freeways.

This entire property also lacks any water rights for irrigation purposes either from the irrigation ditch or from wells. Without water the soil classifications for this property drops to Class Vile (Quincy Loamy Fine Sands, Gravelly Substratum). This is a very poor soil and the landowner has stated that he is unable to even run cattle on the land in the spring and sustain them on the natural vegetation. Coupled with the lack of water, the landowner has not been able to actively farm this land and has lost his farm deferral tax because of the lack of being able to show intent to farm. This has rendered this ground virtually useless.

The site is well buffered from agricultural uses by the railroad tracks to the north and the related non-resource development across the tracks. The major potato processing plant and tavern are on the immediate east side while the horse track, its related facilities and the warehouse are to the south. The only potential for agricultural use lies to the west, and this land has been appropriated for the 1-82 freeway, which will further buffer this land from bonafide agricultural operations that occur in this area.

Consequently, the County believes this 60 acres of ground is committed under OAR 660-04-028 because of the adjacent land uses, poor soils, lack of irrigation water, and buffering from agricultural lands in the area.

The fifth area labeled number five on Map 18-76 lies on the south side of 1-84 and contains approximately 19 acres in a triangular shape with the long side along the freeway. On the two remaining sides are vacant sagebrush lands along, the south and a major truck and trailer repair facility on the west.

Presently the site has electricity available to it and access to the freeway interchange via a gravel road that serves the truck and trailer repair facility to the west. As with the developed areas, this site would be dependent upon subsurface disposal systems for waste that is generated. This would not be of any particular problem in this area as the soil type provides for excellent drainage and absorption.

This 19 acre parcel is part of a 116 acre tract of land under one ownership and is the largest ownership in the area. It is also one of the least productive sites because of the lack of water. A check with water agencies in the county indicates that this site has a 20 acre water right for that land on the extreme southern portion of the 116 acre parcel. The remaining land is all dryland and has an agricultural land classification of Vile.

Without water this land is virtually useless for any type of agricultural activity. The Water master's Office has stated that no additional water rights are available in this area because it is in a critical groundwater area. No new permits for water are being issued, and in fact some wells have been shut off. This renders a majority of this property unusable for agricultural activities.

Further, the shape of the parcel, a long triangular piece, makes regular farming practices difficult to conduct. It is not possible to take farm machinery down to the end and turn it around. This would leave an unusable weed patch. It is very impractical to try and include it with other unirrigated land to the south. The lack of water severely restricts the potential of any land in this area to be used for farm use.

By including this triangular piece of property for industrial use, it would tie in with the developed industrial land on the west. It would also square up the field to the south so that if ever any water becomes available for use on the site, there would be a compact, easily managed farm unit, with no jogs or difficult corners to try and turn around in.

This site is also extremely well buffered from land under agricultural production. The freeway provides an excellent buffer from the agricultural lands to the north and east. The right-of-way for this four-lane divided highway ranges from 285 to 300 ft. in width. To the west is industrial development and the freeway interchange. Agricultural lands are located west of the interchange across the county road which is built up so that traffic can cross over the freeway. This situation isolates the site from all the productive agricultural land, and since the prevailing winds are from the southwest, industrial development would not impact those agricultural lands to the west. The only area that is not physically buffered from this committed area is the land to the south. However, as stated earlier, the land to the south only has a 20 acre water right which is applied to the lands adjacent to the county road on the south. That leaves approximately a 1000 ft. open area between the committed area and productive agricultural land on the south. This open area is a dry, vacant space that due to the lack of water is not able to be used for even a limited amount of grazing.

Consequently, for the reasons listed above, (i.e. physical development, buffering, poor soils, and lack of irrigation water), the County believes that this 19 acre tract of land is committed as prescribed under OAR 660-04-028.

[NEW] <u>GOAL 11 AND 14 EXCEPTION</u>. Added through Ordinance 2005-08 adopted May 31, 2005

These are the findings of fact and reasons to support exceptions to Statewide Planning Goals 14 (Urbanization) and 11 (Public Facilities and Services) for approximately 448 acres of light industrial land that is located in the vicinity of Westland Road, east of the intersection of Interstates 82 and 84 in Umatilla County. The exceptions are a combination of (1) developed and committed exceptions, and (2) reasons exceptions.

The Westland Road exception area occupies a large portion of the northeast quadrant of the intersection of Interstates 82 and 84. It is generally located in the West Half of Section 25, Township 4 North, Range 27, and in Sections 19 and 30, Township 4 North, Range 28, lying South of Westland Road, North of railroad right of way, and West of Westland Irrigation District Canal

and the Umatilla River. It also extends slightly to the south of Interstate 84, in the North Half of the North Half of Section 31, Township 4 North, Range 28. In addition to the approximately 448 acres zoned Light Industrial (LI), the Westland Road exception area includes approximately 67 acres zoned Tourist Commercial and 32.93 acres zoned Agri-Business. The exceptions taken herein are only for those lands zoned LI. As the area zoned Agri-Business is limited to uses that are resource related and rural in nature, no Goal 14 exception is required. Similarly, no Goal 14 exception is needed for the areas zoned Tourist Commercial because allowed rural-scale tourist commercial uses are adequate to meet the identified Tourist Commercial needs for those properties.

The exceptions set out herein are taken for a variety of reasons:

- To demonstrate that many existing uses in the LI zone are urban in character
- To show that the presence of these urban uses has committed much of the remaining vacant LI-zoned land to urban scale industrial development
- To explain why the remaining undeveloped and uncommitted acres of light industrial land should be allowed to develop with uses that are urban in character
- To allow structures within the LI zone to be constructed without building size limitations

A. Background.

In 1983 the Land Conservation and Development Commission acknowledged a large number of exceptions that Umatilla County had adopted for commercial and industrial lands throughout the County. These included exceptions explaining why the rural properties in question were either physically developed for or irrevocably committed to non-resource uses, and in a few instances, "reasons" exceptions explaining why certain non-farm uses should be allowed on resource lands. The acknowledged exceptions included exceptions authorizing light industrial, tourist commercial and agri-business uses in the vicinity of Westland Road.

Three years later, the question arose before the Oregon Supreme Court whether acknowledged exceptions to Statewide Planning Goals 3 (Agricultural Lands) or 4 (Forest Lands) permitted urban scale development on those rural properties or whether the permitted non-resource development had to remain rural in its scale and intensity. In *1000 Friends of Oregon v. LCDC (Curry County)*, 301 Or 447 (1986), the court closely examined the statewide planning goals and statutes and determined from them that (1) rural lands, as defined, are not suitable, available or necessary for urban uses, and (2) urban uses are permitted only inside urban growth boundaries. From this, the court concluded and held that to convert rural lands to urban uses, a local government either needed to amend its urban growth boundary to include the rural land in question, or it needed to take an exception to Goal 14. The court ruled that previously acknowledged exceptions to Statewide Planning Goals 3 (Agricultural Lands) or 4 (Forest Lands) were not adequate in themselves to permit urban scale development on rural exception lands.

To implement the *Curry County* decision, the Department of Land Conservation and Development (DLCD) has directed counties to take one of the following three steps: (1) To demonstrate that the existing zoning of exception lands allows only uses that are rural in their nature or intensity; (2) To

amend their zoning ordinances to limit uses in exception areas to uses that are rural in their nature or intensity; or (3) To justify exceptions to Goal 14 to permit urban scale uses in exception areas. As part of its 1995 periodic review, Umatilla County has been responding to this directive from DLCD. This document addresses this directive for the Westland Road area.

In the 1983 exception, Umatilla County found, and LCDC agreed, that approximately half of the Westland Road industrial area was already physically developed with industrial uses, while the remaining half was committed to industrial uses. Since then, a significant portion of the vacant "committed" industrial land has either converted to industrial use or been recently approved for new industrial development.

On re-examination, as described below, it is clear that the physically developed sites within the light industrial area are occupied predominantly by uses that are urban in their nature or scale. Some of these uses are major employers in the area, attracting workers from urban regions of the county. Many of these uses have building sizes significantly larger than the 40,000 square foot maximum that LCDC deems appropriate for rural areas. Also, many of these uses are of an urban nature, serving urban communities both locally and regionally. These include several warehouse or distribution uses taking advantage of this area's very close proximity to two major freeways.

These urban uses have the effect of committing most of the remaining vacant land to urban scale industrial development. The area, however, includes two smaller areas that arguably do not fall within these categories of physically developed or committed to urban uses. If that is so, then these areas nonetheless are appropriate for urban scale uses, primarily due to their extremely close proximity to two major interstate freeways as well as their proximity to urban scale development.

For these reasons, Umatilla County is taking a Goal 14 exception encompassing the entire 448 acres of light industrial land. Because the uses authorized by this exception are urban in scale, the County also is taking a Goal 11 exception to allow these uses to be served by urban scale public facilities and services.

B. Legal Standards.

Under ORS 197.732(1), a local government may adopt an exception to a goal if:

(1) The land subject to the exception is *physically developed* to the extent that it is no longer available for uses allowed by the applicable goal;

(2) The land subject to the exception is *irrevocably committed* to uses not allowed by the applicable goal because existing adjacent uses and other relevant factors make uses allowed by the applicable goal impracticable; or

(3) *Reasons* justify why the state policy embodied in the applicable goals should not apply.

There are facts and reasons to support all three kinds of goal exceptions.

As relevant to Goal 14 exceptions, the rules implementing ORS 197.732 are set out at OAR 660-014-0030 and 660-014-0040.

1. Physically Developed Exceptions.

According to its caption, OAR 660-014-0030 governs "rural lands irrevocably committed to urban levels of development." Because this rule, however, includes two references to lands "built upon at urban densities", Umatilla County believes that LCDC intended this rule to govern Goal 14 physically developed exceptions as well. *See* OAR 660-004-0010 (1) (c) (which directs local governments to apply OAR 660, Division 14 for Goal 14 exceptions). *See also* DLCD Order 001643 (December 1, 2004) ("The administrative rule provisions governing an exception to Goal 14 are found exclusively in OAR Chapter 660, Division 14.")

2. Irrevocably Committed Exceptions.

OAR 660-014-0030 (2) provides: "A decision that land has been built upon at urban densities or irrevocably committed to an urban level of development depends on the situation at the specific site. The exact nature and extent of the areas found to be irrevocably committed to urban levels of development shall be clearly set forth in the justification for the exception. The area proposed as land that is built upon at urban densities or irrevocably committed to an urban level of development must be shown on a map or otherwise described and keyed to the appropriate findings of fact."

OAR 660-014-0030 (3) requires that a decision that land is committed to urban levels of development be based on findings of fact supported by substantial evidence in the record. The findings must address (a) the size and extent of commercial and industrial uses; (b) location, number and density of residential dwellings; (3) location of urban levels of facilities and services, including at least public water and sewer facilities; and (d) parcel sizes and ownership patterns. Under OAR 660-014-0030(5), more detailed findings and reasons must be provided to demonstrate commitment to urban uses than are otherwise required to show that is currently developed at urban densities.

3. Reasons Exceptions.

OAR 660-014-0040 governs reasons exceptions. Under this rule, a county may provide facts and reasons to justify an exception to Goal 14 to allow urban uses on undeveloped rural lands. Those reasons may include, but are not limited to, findings that an urban population and urban levels of facilities and services are needed to support an economic activity that is dependent upon an adjacent or nearby natural resource.

Also under this standard, a county must demonstrate that the proposed urban development cannot reasonably be accommodated in or through expansion of existing urban growth boundaries. Further, it must show that the long term economic, social, environmental and energy consequences resulting from urban development at the proposed site with measures designed to reduce adverse impacts are not significantly more adverse than would result from the same proposal being located on other undeveloped rural lands; that the proposed urban uses would be compatible with adjacent uses; and that the uses can likely be timely and efficiently served with appropriate levels of public facilities and services.

<u>C. Physically Developed/Irrevocably Committed Exception.</u>

The 1983 exception stated that approximately half of the Westland Road exception area was physically developed with industrial uses. With the passage of

time and new development, the percentage of land that is now physically developed has increased.

According to a recent survey prepared by County staff, the 448 acres at issue are comprised of 38 separate parcels of land, only 17 of which remain vacant. This figure, however, is misleading, because (1) many of the vacant parcels are in common ownership with developed properties and should be available for future expansion of businesses on the adjoining properties, and (2) major new construction has been approved on several of these vacant properties.

The nature and extent of physical development is best seen on the aerial map of the Westland Road area. That map depicts buildings of many shapes and sizes, including some buildings that are extremely large.

The largest concentration of physically developed property is within and near the Lamb Weston site. This area lies immediately east of the intersection of Lamb Road and Westland Road. It extends east to Tax Lot 4N28-19D-800 and the Umatilla River, and south to the Union Pacific railroad tracks. Urban industrial development in this area includes the approximately 350,000 square foot Lamb Weston food processing plant (Tax Lot 4N28C-2206); the Praxair and Key Corp. Capital Inc. produce storage facilities (each over 50,000 square feet) (Tax Lot 4N28C-2217); the nearly 160,000 square foot Americold building (Tax Lot 4N28-30-100); and the approximately 180,000 square foot Hermiston Generating Company power plant and substation (Tax Lot 4N28C-2220). Clearly, these building sizes vastly exceed the maximum size for small scale low impact industrial uses that LCDC has deemed appropriate for rural areas. See OAR 660-022-0030(11). Moreover, these uses employ many residents of urban areas and serve markets that extend well beyond the local area. Cumulatively, all of this development, which occupies nearly 120 acres, commits to urban uses the approximately 19 acres in Tax Lots 4N28C-2216, -2900, -2903, -3000, 4N2830-200 and 4N28-30-1200, several of which share common ownership with the industrially developed properties.

West of the Lamb Weston site is a smaller area bordered by Interstate 82, Lamb Road, Westland Road and the Union Pacific Railroad. A portion of this area is zoned Tourist Commercial. The light industrial portion of this area includes a 40,000 square foot potato storage operation owned by Robert Lamb (Tax Lot 4N27-25A-201) and an adjoining 22,000 square foot potato storage operation on Tax Lot 4N27-25A-400 owned by H-4 Farms, Inc. These uses would be appropriate in either urban or rural zones. As they are resource related, they should not be subject to a maximum building size limitation. Due north of these properties are Tax Lots 4N27-25A-200 and -202. While these properties appear vacant on the aerial map, the Energy Facility Siting Council recently certified an application to construct a new power plant on them. It is expected that the approved power plant will be approximately the same size as the 180,000 square foot Hermiston General power plant located on Tax Lot 4N28C-2220 just east of Westland Road. A power plant development of this scale is consistent with urban scale industrial development and renders these properties physically developed to urban uses. See DLCD Order 001643 at page 8. Moreover, development of the power plant will commit Tax Lot 4N27-25A-100 to urban scale industrial development.

South of the railroad tracks and west of Westland Road is a third area of light industrial development. This area is occupied by freight and transport service and supply facilities and by agricultural produce storage facilities. The freight and transport companies in this area include Eagle Freightliner (Tax Lot 4N27-1417), Hammell Transport Service Inc. (Tax Lot 4N27-25A-501) and United Parcel Service (Tax Lot 4N27-25A-600). The UPS facility on Tax Lot 600 is approximately 414,700 square feet in size. Much of the vacant land on these tax lots is used for truck storage. These industries play an important role in moving freight to and between urban areas. Some, like Hammell Transport, serve all of the "lower 48" states. Agricultural facilities in the area include the Big River Packing produce packing facility on Tax Lot 4N27-25A-500. Also, west of the UPS building on Tax Lot 4N27-25A-502 is land that the Port of Umatilla is leasing to Westland Enterprises and Hale Farms for onion storage. While Tax Lot 502 appears vacant on the aerial photo, there are two new buildings on this property, with each building in excess of 50,000 square feet. Again, buildings of this size are more indicative of urban scale uses than of rural uses. And as noted, the nature of transportation/distribution companies is that they serve urban areas and urban uses throughout the region if not the entire country.

Cumulatively, these existing developments commit several undeveloped properties to urban scale industrial uses. These include Tax Lots 4N28-30-1500 (which is owned by Pacificorp and Hermiston Generation Company), 4N27-1417 and -1418 (which are in common contiguous ownership with the Eagle Freightliner property) and 4N27-25A-503 (Port of Umatilla property that is contiguous to Tax Lot 502). Also, these developments, the Union Pacific Railroad and Interstate 84 together border Tax Lots 4N27-1400, -1403 and -1415 on three sides, thus effectively committing those approximately 75 acres of light industrial land to urban scale development as well.

The final area of physically developed light industrial land is located immediately south of Interstate 84, east of land zoned Tourist Commercial. This property, comprised of Tax Lots 4N28-31-400 and -500, is owned by Barton Industries and used in part for container truck repair. Because the nature and scale of the development on this site is not urban, a reasons exception is taken below to justify urban scale development in this area and, as well, in the northeast portion of the Westland Road LI area occupied predominantly by Tax Lots 4N28-19A-500 and -800.

All of the above-noted areas are served with electricity, gas and telephone service. Indeed, as noted, industrial uses in this area include power plants and electrical substations. Transportation facilities include Lamb and Westland Roads, which are two-lane paved roads used for local circulation; interchange access onto I-82 at Lamb Road and I-84 at Westland Road; and the Union Pacific Railroad. Sewer facilities are provided through on-site subsurface facilities. Water is provided through individual wells. The two interstate highways adjoining this area serve a large, multi-regional area and provide direct freighting opportunities for intensive levels of industrial development. As such, these interstate facilities support activities far beyond what would commonly be found in a rural area. The presence of a rail line inside the area enables the delivery and shipment of large quantities of materials and products. And while there is no community sewer or

water system, this does not render the area rural given the other factors described in this exception.

There are very few residences located within this approximately 448-acre area. Residences can be found on Tax Lot 4N27-1403 and Tax Lot 4N28-30-200. The relative absence of residential activity in this area indicates that the area is occupied by and dedicated to intensive industrial activity not compatible with residential activity, and it supports the conclusion that the area is developed and committed to urban industrial use.

As shown in the data compiled by Umatilla County, parcels in the area vary significantly in size, with many parcels under 10 acres, a number of parcels between 10 and 50 acres, and two parcels between 50 and 100 acres. By their size, these parcels are capable of supporting urban-scale industrial development. Many of the parcels are in common ownership. As such, it is probable that many "vacant" tax lots are, in fact, used in conjunction with development on contiguous, commonly owned parcels.

Examining the numbers, there are 30 parcels, in 16 separate ownerships, identified as built or committed to urban development. These parcels constitute approximately 352.5 of the 448.4 acres in this area. Of these, 13 parcels, in 9 ownerships comprising approximately 175 acres, are developed with industrial uses, while two other parcels in a tenth ownership comprising nearly 55 acres (Tax Lots 4N27-25A-200 and -202) are approved for urban-type industrial development. In combination, these approximately 230 acres comprise over 65% of the developed/committed exception area (and, indeed, over 52% of the entire Westland Road LI area). Again including the approved development on tax lots 200 and 202, the average building size of industrial development on these properties is over 100,000 square feet. (Where a single tax lot contains more than one building, such as tax lots 4N27-25A-502 and 4N28C-2217, those numbers are combined into a single building size.) This average building size is far in excess of what is normally found in a rural industrial area.

In summary, the scale and intensity of the uses in this area is reflective of urban industrial uses. These uses provide power to serve the region at large, or they provide transportation and distribution facilities to move products throughout the state, region and/or nation. Some major industries are resource related, which can be characteristic of an urban or rural use. These industries, however, are characterized by very large buildings that are more indicative of urban scale development.

D. Reasons Exception.

As noted, two relatively small portions of the Westland Road light industrial area are not physically developed with urban-scale industrial uses. These include an approximately 32-acre area located south of I-84 (Tax Lots 4N28-31-400 and -500) and an approximately 58-acre area located north of the Lamb Weston property (Tax Lots 4N28-19A-500, -502, -503, -504, -1703 and 4N28-19D-800). These areas should nonetheless be authorized for urban scale light industrial development for the reasons set out below.

On December 15, 2003, Governor Kulongoski's Industrial Lands Advisory Committee issued a report addressing what Oregon must do "to be competitive in the global marketplace." The report identified 25 industrial sites "of statewide significance

for job creation" throughout Oregon. In so doing, the report emphasized that this designation of "shovel-ready" sites was "but one piece of a much larger process to increase Oregon's supply of 'project-ready' industrial lands."

The Executive Summary to the report sets out findings explaining why the 25 selected sites are of statewide significance for job creation. Like a broken record, those findings repeat, again and again, the critically important role easily accessible freeway access plays in determining prime sites for light manufacturing and/or warehousing and distribution. For example, all five of the recommended sites in Northwest Oregon were noted for their excellent access to the freeway system, with at least three sites being within "minutes" of a freeway interchange. Similarly, the report stressed freeway accessibility as a principal reason for designating most of the sites recommended in Western and Southwest Oregon and in Eastern Oregon as shovel-ready sites of statewide significance for job creation. Representative samples of the findings include:

- Hillsboro—Shute Road: "This highly desirable site in Oregon's high tech corridor is about 350 feet from a major freeway Interchange."
- Albany—Kempf: "This site is highly marketable because it is adjacent to I-5 and located mid-way between CA and WA with easy access to Oregon's metro areas."
- Central Point—Airport/Orchard/Hamrick Rd: "Conveniently located between to I-5 interchanges and the Jackson County commercial airport, this level, roughly rectangular site is expandable to an estimated 70 acres."
- Medford—NE Airport: "Located in the city limits of Medford, this large site is close to I-5, Hwy 62 and the Medford Airport."
- Baker City—Elkhorn Industrial Park: "Baker City is located on I-84 and is well positioned to attract industry from the Boise metro area."
- Hermiston—Hermiston Industrial Park: "The market potential of this site is its access to rail (Union Pacific), water (Columbia River) and road (I-82 and I-84)."

Overall, for most of the 25 sites, very close and convenient freeway access was a primary consideration in determining that they were of "statewide significance for job creation". Consistent with these findings, the Westland Road site would also appear to be of statewide significance for job creation. Like these other industrial areas, the Westland Road light industrial area shares the benefit of highly convenient freeway access. Unlike most of these other areas, however, the Westland Road light industrial area offers outstanding access not just to one but to two interstate highways: Interstate 84 and Interstate 82. This makes the Westland Road light industrial area an exceptional location for warehousing and distribution uses.

The locational advantages of this site cannot be overstated. Like the Hermiston Industrial Park, the Westland Road area is, and should be recognized as, "a prime site for the warehouse/distribution industry, as well as manufacturing sectors." The locational advantages of this site warrant approval of a Goal 14 reasons exception allowing such uses to locate on the undeveloped/uncommitted industrial lands within this area. Indeed, the significant locational advantages of this site would have provided, were it necessary, additional

justification for taking a Goal 14 reasons exception for the entirety of the Westland Road light industrial area.

Based on the findings in the industrial lands report, the exceptional locational advantages of the Westland Road area might well have justified a Goal 14 reasons exception to allow urban scale warehouse and distribution uses even if the Westland Road area was currently designated and zoned for resource use. But given that all of this land is already designated and zoned for industrial development under Umatilla County's acknowledged Comprehensive Plan, and further given that most of this area is already physically developed with or irrevocably committed to *urban scale* light industrial development, it just makes good common sense to open up the entire area for urban scale warehouse and distribution uses. Stated another way, the locational advantages the Westland Road light industrial area offers through its virtually immediate access to two major freeways is about as good as it gets for major warehousing and distribution companies serving central and eastern Oregon and Washington. Given this, building size should not be an obstacle to the siting of such uses at this location.

The fact that the Industrial Lands Advisory Committee Report identifies the 306-acre Hermiston industrial park as a prime site for the warehouse and distribution industry in no way detracts from the importance and value of the Westland Road site to that industry. Indeed, the industrial lands report states that the initial designation of shovel ready sites is just a first step in a "much larger process" to increase the state's supply of project-ready sites. That language suggests a statewide need for more than just one prime site serving warehouse and distribution industries in the Hermiston area. The locational advantages of the Westland Road light industrial area warrant the availability of all lands within that area for urban scale warehousing/distribution uses.

The long term economic, social, environmental and energy consequences of allowing urban scale development on the undeveloped/uncommitted portions of the Westland Road light industrial area are all positive. Economically, this is an ideal location for urban scale warehouse and distribution uses. The location of businesses like the United Parcel Service terminal (within the area) and the Wal-Mart distribution center (in Hermiston a short distance east of the area) readily attest to that. Given its locational advantages, this site has tremendous potential to have statewide significance for job creation. Socially, new industries in the area would improve the local economy and thereby benefit the local population. Moreover, the location of these uses in very close proximity to freeway interchanges would mean that the associated truck traffic can avoid residential and commercial areas where it could create conflicts. There are no significant environmental resources in this area that would be affected by such uses. And the energy advantages of siting urban scale warehouse and distribution uses within just a mile or two of two interstate freeways are obvious.

Allowing urban scale light manufacturing uses on those portions of the Westland Road light industrial area that are not already physically developed with or committed to urban industrial uses also should not pose any compatibility problems with adjoining properties, for several reasons. First and foremost, light industrial uses typically are not incompatible with agricultural practices. Second, current zoning already permits a wide range of light industrial uses to locate

on these lands, and as noted, many of the existing uses are urban in their nature or scale. Those uses have not proven to be incompatible with nearby farming operations or farm practices. Accordingly, allowing an urban scale of light industrial development on the undeveloped/uncommitted lands in this area should have no significant adverse impact in terms of use compatibility.

Approval of this Goal 14 reasons exception should have no adverse impact on the ability of existing cities and service districts to provide services. This has not been an issue for the many existing urban-scale industrial uses in the Westland Road area, and there is no good reason to believe it would be an issue for new uses. Because light industrial uses and farming are generally compatible, approval of the Goal 14 reasons exception also should have no adverse effect on the continued resource management of nearby lands designated and zoned for resource uses. And given the nature of the kinds of light industrial development that would be permitted in this area, it is likely that an appropriate level of public facilities and services can be provided in a timely and efficient manner. It is noted that the Westland Road area is a designated critical groundwater area. Consistent with that designation, unless or until this area was included inside an urban growth boundary, urban industrial uses in the area would be limited to those that are (1) not heavily water dependent, or (2) rely on an existing water supply or existing water rights.

Finally, it is noted that the approximately 58 and 32-acre sites identified in this reasons exception are of a size that is very suitable for urban scale industrial development in the area. Indeed, the approximately 58-acre area includes nearly 53 acres in common ownership (Margaret Gass), while the approximately 32-acre site is owned by Richard Barton and Barton Properties. Umatilla County believes that the immediate proximity of these properties to the developed and committed Westland Road industrial area described above in fact commits these properties to urban scale industrial use as well. Even if that were not so, the reasons set out in this reasons exception justify allowing urban scale development on these remaining Westland Road light industrial parcels.

[NEW] <u>GOAL 14 EXCEPTION</u> Added through Ordinance 2007-10 adopted October 9, 2007

These are the findings of fact and reasons to support exceptions to Statewide Planning Goals 14 (Urbanization) and 11 (Public Facilities and Services) for approximately *448* acres of light industrial land that is located in the vicinity of Westland Road, east of the intersection of Interstates 82 and 84 in Umatilla County. (In addition, all further references to 441 acres in this section as adopted by Ordinance No. 2005-08 are amended to 448 acres.)

As noted, two relatively small portions of the Westland Road light industrial area are not physically developed with urban-scale industrial uses. These include an approximately *38*-acre area located south of I-84 (Tax Lots 4N28-31-400 and -500) and an approximately 58-acre area located north of the Lamb Weston property (Tax Lots 4N28-19A-500, -502, -503, -504, -1703 and 4N28-19D-800).

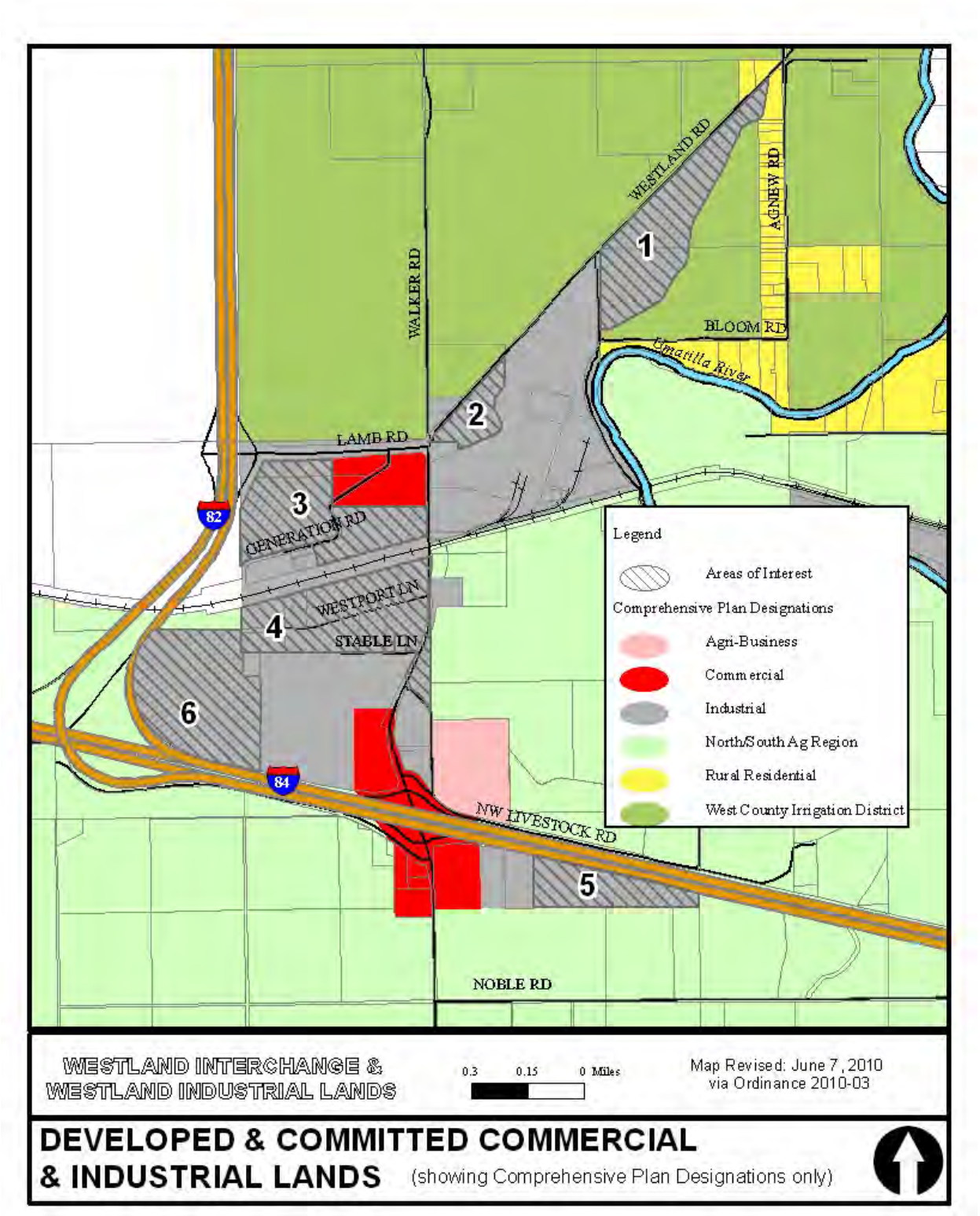
[NEW] GOAL 3 & GOAL 14 EXCEPTION
Added through Ordinance 2010-03 adopted June 7, 2010.

Fed Ex Freight - The sixth area labeled number six on Map 18-76 is described as Umatilla County Tax Lot 4N2825-300. These are the findings of fact and reasons to support exceptions to Statewide Planning Goal 3 (Agriculture) for entire parcel and Goad 14 (Urbanization) for easterly 32.5 acres that is located in the vicinity of Westland Road, at the intersection of Interstates 82 and 84 in Umatilla County. Due to the lack of water rights, the property has never been utilized for farm purposes. Along with Class VII Soil and lack of neighboring farming activities, the property is neither suitable for nor capable of being used for farming and ranching activities. The site is committed to non-resource uses due to its lack of water, and adjoining non-resource uses.

There is also a reasons justification for the exception to Goal 14. Due to the need for access to interstate highways, less conflict with incompatible traffic situations, and limited impacts on adjoining resource uses, the urbanization exception is justified.

[NEW] GOAL 3 & GOAL 14 EXCEPTION
Added through Ordinance 2017-06 adopted April 28, 2017.

The Liberated L & E, LLC (Vadata, Inc.) property located in Section 30, Township 4 North, Range 28 (Tax Lot 4N2830-1100, approximately 120.99 acres) was acknowledged as agricultural land (Statewide Planning Goal 3). The property is comprised of Class VII soils in a non-irrigated condition, and the property does not have water rights. Class VII soils are generally considered unsuitable for cultivation. The property is not high-value farmland, and it has not been productive from farm uses. The property has not been utilized for growing crops, although it has been used to a limited extent for livestock grazing. It is well-situated for development of urban light industrial uses, located within approximately a half-mile of interchanges for two different federal interstate highways. The property has access to a rail line, and is surrounded in three different directions by properties that are developed with urban industrial uses on exception lands. This is the only location in the area that offers a parcel of sufficient size in close proximity to the necessary power and water resources. Development of the property will generate significant economic benefits to the County and its residents, including new jobs. These benefits will offset the de minimis loss of unproductive farmland.



Map 18-76 – Developed & Committed Commercial and Industrial Lands – Westland Interchange (XVIII-454A)

Hinkle (Area #4)

As originally proposed, this area consisted of approximately 3600 acres of land designated for industrial use. Almost 2900 acres of this land was either vacant or under agricultural production. After further review and refinement of the County's industrial needs analysis, it was found that this area needed to be reduced. Evaluation of the existing land uses and discussion with the property owners allowed for an orderly and more compact development area of a reduced size. Industrial development has been targeted for approximately 19 60 acres of land. This is a reduction of almost 1700 acres of land, which was all vacant or under agricultural use. Of the 1960 acres of land designated for industrial use, approximately 912 acres is already developed for industrial use. Another 375 acres is irrevocably committed for industrial use due to the existing land use patterns and development of land for industrial purposes next to these lands.

There are three major areas that the County considers committed in the Hinkle area and as discussed above, totaling approximately 375 acres. The first area is on the north end of the Hinkle Industrial area and contains approximately 20 acres of land(see Map 18-77). It is triangular in shape and is rounded on two sides by railroad tracks (one a main line and one a spur line) and on a third side by the county-road which provides access from Hermiston to the whole Hinkle Industrial Area.

The lands to the north and west of this site are lands owned by the Union Pacific Railroad and are vacant sagebrush land. These lands lie across the railroad tracks which is the north mainline for the railroad. Lands to the east are inside the Hermiston Urban Growth Boundary and are occupied by the Oregon State University Experiment Station and a potato packing and processing plant. Lands to the south are used in conjunction with a hay cubing plant and fertilizer plant operated by a local farm cooperative located 1/4 mile further south.

Presently electricity, gas and telephone facilities are available to this site. The property is adjacent to land within the urban growth boundary, and municipal water may be made available. The railroad, which owns this property, has also developed its own water system for their facilities south of here.

The railroad tracks and the county road which surround this property make an excellent buffer from surrounding land use not devoted to agricultural uses. The only land that is being used for agricultural production is that land directly east of Area #1 on the OSU Experiment Station, which is within the Hermiston Urban Growth Boundary. Other surrounding lands are vacant or under industrial use. This property would tie in with the other developed industrial land both in the county and within the urban growth area, and would actually be an extension of the industrial lands.

The second committed area (Area #2 on Map 18-77) consists of approximately 215 acres of land lying in a reverse "L" shape between develop industrial land on the north and on the south. The land is in two ownerships: the Union Pacific railroad and Pendleton Grain Growers (PGG). Both of these landowners have developed industrially or agri-business related operations adjacent to this committed area.

The land to the north of this committed area is occupied by a fertilizer plant, hay cubing plant, chemical control plant, and farm machinery sales and services. To the east is

vacant sagebrush covered land owned by the railroad. To the south is the Hinkle railroad facility which includes repair facilities for rail cars, administrative offices, several railroad tracks leading to the rail classification yard further east, and fueling facilities. To the west is the mainline of the Union Pacific Railroad along the one side of the "L" and developed industrial lands along the other side.

This area is served by electricity, telephone and gas. The railroad has available a water system to service its land. All parcels have direct access to rail facilities and paved county roads. Telephone service is also available to this area. The site is within a rural fire district and the railroad has its own firefighting facilities.

As stated earlier, this committed area is buffered on two sides by developed industrial lands and partially on the third side by the main line of the Union Pacific Railroad. The fourth side is other vacant land owned by the railroad. This adjacent land is not farmed and has no water rights. The railroad has indicated that it has no desire to maintain this area for farming as it is adjacent to other developed industrial lands of the railroad's.

The soils on the property, with water, result in Class IVc and Vie soils which are not very productive in this area if they were utilized for agricultural purposes. Seeing how these lands are not nor have they been used for agricultural purposes, and the railroad desires that the lands be designated for industrial use, there would be little conflict with adjacent lands that are actually devoted to resource use.

The County believes that adequate information has been brought out to show £hat this area is a developing rural industrial area. The major rail facility and agricultural related industrial development at Hinkle provides a large impetus for further industrial development in this area.

The third committed area labeled #3 on Map 18-77 lies at the west end of the Hinkle industrial area and consists of approximately 140 acres. The entire tract designated for industrial use consists of approximately 220 acres, but approximately 80 acres is already developed as a gravel extraction, crushing, and rail car loading facilities. The entire 220 acres is under the ownership of the Union Pacific Railroad.

Adjacent land uses include to the north the gravel extraction. facility, rail car loading, spur lines and the double tracks is irrigated farmland. To the east is a major potato processing plant (J.R. Simplot) and its related facilities (trucking facilities, laboratories, industrial waste, parking) and Buttercreek Highway, which is a paved two-lane state highway. To the south is the Umatilla River, an irrigation diversion and ditch. The area along the river is considered in a flood prone area, although no mapping has been completed by any regulatory agency. The Umatilla River is quite wide through this area and flows year around. On the west is a small area of pasture land and the Umatilla River.

The site is served by a spur line from the mainline of the railroad. A state highway is located on the east side of this area. Electricity and telephone are available to the property, plus the railroad maintains their own communication systems which is on the site. Water for the existing crushing operation is taken from the irrigation ditch that is along the south side of the property. This committed area is well buffered from adjacent resource lands by railroad tracks,

roads, and the Umatilla River. The agricultural land that is north of this area lies across the mainline of the Union Pacific Railroad. Through this area the railroad maintains a 100 ft. right-of-way. A double track is provided through this area and the right-of-way is cleared for the full 100 ft. width that provides an excellent buffer from the agricultural lands on the north. The land to the east is developed for industrial use, so no conflict between the committed lands and lands to the east will occur in relationship to buffering resource lands. Agricultural land to the south is buffered by the Umatilla River. Prevailing wind patterns would also carry any industrial waste away from these areas (prevailing winds are from the southwest). Only a small amount of agricultural land exists to the west due to the river turning north and the railroad tracks turning west (see Map 18-77).

The western portion of this committed area has been worked in the early 1970's for gravel extraction. The soils in this area are disturbed and have not been properly reclaimed for future agricultural use. With the development that is occurring on the eastern portion of the site (discussed earlier), this entire area is rendered unsuitable for resource use. For the reasons stated here and above, this area is irrevocably committed to a non-resource use in the County's estimation and in compliance with the requirements listed in the Administrative Rule.

[NEW] GOAL 14 EXCEPTION. Added through Ordinance 2004-02 adopted September 22, 2004.

I. Introduction.

The County proposes to take two types of exceptions to Goal 14:

- An exception finding that certain lands are irrevocably committed to non-rural uses, and
- An exception to Goal 14 finding that certain lands are physically developed with non-rural uses.

The applicable administrative rules are OAR Chapter 660, Division 4, "Interpretation of Goal to Exception Process" and OAR Chapter 660, Division 14, "Application of the Statewide Planning Goals to Newly Incorporated Cities and to Urban Development on Rural Lands."

II. Division 4 Findings.

A. OAR 660-004-0025, "Exception Requirements for Land Physically Developed to Other Uses."

This administrative rule requires:

(1) A local government may adopt an exception to a goal when the land subject to the exception is physically developed to the extent that it is no longer available for uses allowed by the applicable goal.

(2) Whether land has been physically developed with uses not allowed by an applicable Goal, will depend on the situation at the site of the exception. The exact nature and extent of the areas found to be physically developed shall be clearly set forth in the justification for the exception. The specific area(s) must be shown on a map or otherwise described and keyed to the appropriate findings of fact. The findings of fact shall identify the extent and location of the existing physical development on the land and can include information on structures, roads, sewer and water facilities, and utility facilities. Uses allowed by the applicable goal(s) to which an exception is being taken shall not be used to justify a

physically developed exception.

This administrative rule allows the County to adopt an exception to Goal 14 when the land subject to the exception is physically developed to the extent that it is no longer available for uses allowed by Goal 14.

The area subject to this exception contains a total of 26 parcels, 13 of which are developed. The area contains a total of 1,129,510 square feet in building. The average industrial building size exceeds 45,000 square feet.

The Simplot food processing plant located on tax lot 101 contains 57.42 acres and is scheduled to be closed. The County wants to ensure that this building and its tax lot are available for economic development. The County finds that the building constitutes an urban use because of its size (450,000 square feet), contains sanitary sewer and water facilities consistent with urban levels of uses and contains roads and energy utilities consistent with urban uses. While the past and current use of this building has been for food processing, the infrastructure and building can support urban uses such as manufacturing, warehousing and distribution. The County finds that given the size of the building and the lot's development, it is an urban use making the lot no longer available for rural uses and physically developed for urban uses.

The other developed parcels consist of uses which contain buildings greater than 35,000 square feet and are urban in nature. Those lots contain the same urban infrastructure. Accordingly, the area finds that the 13 developed parcels are urban in nature and are physically developed in other uses.

B. OAR 660-004-0028, "Exception Requirements for Land Irrevocably Committed to Other Uses."

This administrative rule provides:

(1) A local government may adopt an exception to a goal when the land subject to the exception is irrevocably committed to uses not allowed by the applicable goal because existing adjacent uses and other relevant factors make uses allowed by the applicable goal impracticable:

(a) A "committed exception" is an exception taken in accordance with ORS 197.732(1)(b), Goal 2, Part II(b), and with the provisions of this rule;
(b) For the purposes of this rule, an "exception area" is that area of land for which a "committed exception" is taken;
(c)An "applicable goal," as used in this section, is a statewide planning goal or goal requirement that would apply to the exception area if an exception were not taken.

(2) Whether land is irrevocably committed depends on the relationship between the exception area and the lands adjacent to it. The findings for a committed exception therefore must address the following:

(a) The characteristics of the exception area;
(b) The characteristics of the adjacent lands;
(c) The relationship between the exception area and the lands adjacent to it; and
(d) The other relevant factors set forth in OAR 660-004-0028(6).

(3) Whether uses or activities allowed by an applicable goal are impracticable as that term is used in ORS 197.732(1)(b), in Goal

2, Part II(b), and in this rule shall be determined through consideration of factors set forth in this rule. Compliance with this rule shall constitute compliance with the requirements of Goal 2, Part II. It is the purpose of this rule to permit irrevocably committed exceptions where justified so as to provide flexibility in the application of broad resource protection goals. It shall not be required that local governments demonstrate that every use allowed by the applicable goal is "impossible." For exceptions to Goals 3 or 4, local governments are required to demonstrate that only the following uses or activities are impracticable:

(a) Farm use as defined in ORS 215.203;
(b) Propagation or harvesting of a forest product as specified in OAR 660-033-0120; and
(c) Forest operations or forest practices as specified in OAR 660-006-0025(2)(a).

(4) A conclusion that an exception area is irrevocably committed shall be supported by findings of fact which address all applicable factors of section (6) of this rule and by a statement of reasons explaining why the facts support the conclusion that uses allowed by the applicable goal are impracticable in the exception area.

(5) Findings of fact and a statement of reasons that land subject to an exception is irrevocably committed need not be prepared for each individual parcel in the exception area. Lands which are found to be irrevocably committed under this rule may include physically developed lands.

(6) Findings of fact for a committed exception shall address the following factors:

(a) Existing adjacent uses;
(b) Existing public facilities and services (water and sewer lines, etc.);
(c) Parcel size and ownership patterns of the exception area and adjacent lands:

(A) Consideration of parcel size and ownership patterns under subsection (6) (c) of this rule shall include an analysis of how the existing development pattern came about and whether findings against the Goals were made at the time of partitioning or subdivision. Past land divisions made without application of the Goals do not in themselves demonstrate irrevocable commitment of the exception area. Only if development (e.g., physical improvements such as roads and underground facilities) on the resulting parcels or other factors make unsuitable their resource use or the resource use of nearby lands can the parcels be considered to be irrevocably committed. Resource and nonresource parcels created pursuant to the applicable goals shall not be used to justify a committed exception. For example, the presence of several parcels created for nonfarm dwellings or an intensive commercial agricultural operation under the provisions of an exclusive farm use zone cannot be used to justify a committed exception for land adjoining those parcels;

(B) Existing parcel sizes and contiguous ownerships shall be considered together in relation to the land's actual use. For example, several contiguous undeveloped parcels (including parcels separated only by a road or highway) under one ownership shall be considered as

one farm or forest operation. The mere fact that small parcels exist does not in itself constitute irrevocable commitment. Small parcels in separate ownerships are more likely to be irrevocably committed if the parcels are developed, clustered in a large group or clustered around a road designed to serve these parcels. Small parcels in separate ownerships are not likely to be irrevocably committed if they stand alone amidst larger farm or forest operations, or are buffered from such operations.

(d) Neighborhood and regional characteristics;
(e) Natural or man-made features or other impediments separating the exception area from adjacent resource land. Such features or impediments include but are not limited to roads, watercourses, utility lines, easements, or rights-of-way that effectively impede practicable resource use of all or part of the exception area;
(f) Physical development according to OAR 660-004-0025; and
(g) Other relevant factors.

(7) The evidence submitted to support any committed exception shall, at a minimum, include a current map, or aerial photograph which shows the exception area and adjoining lands, and any other means needed to convey information about the factors set forth in this rule. For example, a local government may use tables, charts, summaries, or narratives to supplement the maps or photos. The applicable factors set forth in section (6) of this rule shall be shown on the map or aerial photograph.

(8) The requirement for a map or aerial photograph in section (7) of this rule only applies to the following committed exceptions:

(a) Those adopted or amended as required by a Continuance Order dated after the effective date of section (7) of this rule; and
(b) Those adopted or amended after the effective date of section (7) of this rule by a jurisdiction with an acknowledged comprehensive plan and land use regulations.

The County finds, consistent with this administrative rule, that this area is irrevocably committed to other uses for the following reasons. First, the relationship between the 13 vacant lots and the 13 developed lots is that they are interspersed with one another. The impacts of urban development on these vacant lots preclude agricultural uses because of traffic, urban development patterns and infrastructure development. The County finds that the uses allowed in OAR 660-004-0028(3)(a)-(c) are impracticable as that term is used in ORS 197.732(1)(b), in Goal 2, Part II(b).

The existing adjacent uses consist of large buildings with urban infrastructure consisting of urban levels of roads, energy utilities, water and sanitary sewer. Public water and sanitary sewer lines do not exist but the private sanitary sewer and water lines fulfill an urban function.

The land has been divided into small ownerships. The total 1,138 acre area is divided into 26 parcels containing 25 industrial buildings on 13 parcels. The existing development pattern occurred pursuant to acknowledged Umatilla County Development Code Land Use Regulations. At the time of development, Goal 14 had

either not been applied consistent with *Curry County* because *Curry County* had not been announced or because the County acted pursuant to its acknowledged plan which all parties believed to be consistent with Goal 14. The physical improvements on these parcels make their use for resource purposes impracticable for the reasons described above.

The area is separated from adjacent resource land by railroads, highways, utility lines and urban development.

The area includes small parcels and separate ownerships with urban development that constitute an irrevocably committed pattern. This area is not isolated within larger farm or forest operations nor is it buffered from such operations.

For these reasons, the County finds that this administrative rule is satisfied.

III. OAR Chapter 660, Division 14.

A. OAR 660-014-0030, "Rural Lands Irrevocably Committed to Urban Levels of Development."

This administrative rule provides:

(1) A conclusion, supported by reasons and facts, that rural land is irrevocably committed to urban levels of development can satisfy the Goal 2 exceptions standard (e.g., that it is not appropriate to apply Goals 14's requirement prohibiting the establishment of urban uses on rural lands). If a conclusion that land is irrevocably committed to urban levels of development is supported, the four factors in Goal 2 and OAR 660-004-0020(2) need not be addressed.

(2) A decision that land has been built upon at urban densities or irrevocably committed to an urban level of development depends on the situation at the specific site. The exact nature and extent of the areas found to be irrevocably committed to urban levels of development shall be clearly set forth in the justification for the exception. The area proposed as land that is built upon at urban densities or irrevocably committed to an urban level of development must be shown on a map or otherwise described and keyed to the appropriate findings of fact.

(3) A decision that land is committed to urban levels of development shall be based on findings of fact, supported by substantial evidence in the record of the local proceeding, that address the following:

(a) Size and extent of commercial and industrial uses;
(b) Location, number and density of residential dwellings;
(c) Location of urban levels of facilities and services; including at least public water and sewer facilities; and
(d) Parcel sizes and ownership patterns.

(4) A conclusion that rural land is irrevocably committed to urban development shall be based on all of the factors listed in section (3) of this rule. The conclusion shall be supported by a statement of reasons explaining why the facts found support the conclusion that the land in question is committed to urban uses and urban level development rather than a rural level of development.

(5) More detailed findings and reasons must be provided to demonstrate that land is committed to urban development than would be required if the land is currently built upon at urban densities.

The County hereby reincorporates by

reference the findings in Part II, above. The County concludes that land is irrevocably committed to urban levels of development.

The exact nature and extent of the area found to be irrevocably committed has been documented. The County reincorporates the findings from Part II above demonstrating compliance with the remainder of this administrative rule.

The County finds that this administrative rule is satisfied.

B. OAR 660-014-0040, "Establishment of New Urban Development on Undeveloped Rural Lands."

This administrative rule provides:

(1) As used in this rule, "undeveloped rural land" includes all land outside of acknowledged urban growth boundaries except for rural areas committed to urban development. This definition includes all resource and nonresource lands outside of urban growth boundaries. It also includes those lands subject to built and committed exceptions to Goals 3 or 4 but not developed at urban density or committed to urban level development.

(2) A county can justify an exception to Goal 14 to allow establishment of new urban development on undeveloped rural land. Reasons that can justify why the policies in Goals 3, 4, 11 and 14 should not apply can include but are not limited to findings that an urban population and urban levels of facilities and services are necessary to support an economic activity that is dependent upon an adjacent or nearby natural resource.

(3) To approve an exception under section (2) of this rule, a county must also show:

(a) That Goal 2, Part II(c)(1) and (c)(2) are met by showing that the proposed urban development cannot be reasonably accommodated in or through expansion of existing urban growth boundaries or by intensification of development in existing rural communities;

(b) That Goal 2, Part II(c)(3) is met by showing that the long-term environmental, economic, social and energy consequences resulting from urban development at the proposed site with measures designed to reduce adverse impacts are not significantly more adverse than would typically result from the same proposal being located on other undeveloped rural lands, considering:
(A) Whether the amount of land included within the boundaries of the proposed urban development is appropriate, and
(B) Whether urban development is limited by the air, water, energy and land resources at or available to the proposed site, and whether urban development at the proposed site will adversely affect the air, water, energy and land resources of the surrounding area.

(c) That Goal 2, Part II(c)(4) is met by showing that the proposed urban uses are compatible with adjacent uses or will be so rendered through measures designed to reduce adverse impacts considering:
(A) Whether urban development at the proposed site detracts from the ability of existing cities and service districts to provide services; and
(B) Whether the potential for continued resource management of land at present levels surrounding

and nearby the site proposed for urban development is assured.

(d) That an appropriate level of public facilities and services are likely to be provided in a timely and efficient manner; and

(e) That establishment of an urban growth boundary for a newly incorporated city or establishment of new urban development on undeveloped rural land is coordinated with comprehensive plans of affected jurisdictions and consistent with plans that control the area proposed for new urban development.

This administrative rule applies to built and committed exception to Statewide Planning Goal 3 for those vacant lands within the exception area not now developed at an urban density. The County finds that an urban development is necessary to support economic activities dependent upon adjacent and nearby natural resources including but not limited to energy and agriculture. Without the exception, the County would be forced to limit the size of the buildings in this area to less than 35,000 square feet. This would have a significant detrimental impact on the economic development for the County and, specifically, for Western Umatilla County and the nearby cities of Hermiston and Stanfield.

The amount of land included within the boundaries of the proposed urban development is appropriate because it represents all of the HI zoned land in the area. Urban development at the site will not adversely affect air, water, energy and land resources of the surrounding area. The County makes this finding because the area is already being served by such resources consistent with acknowledged Umatilla County Development Code Land Use Regulations.

Urban development at this site does not detract from the ability of existing cities and service districts to provide services. The adjacent cities of Hermiston and Stanfield have no plans to extend public services to those areas.

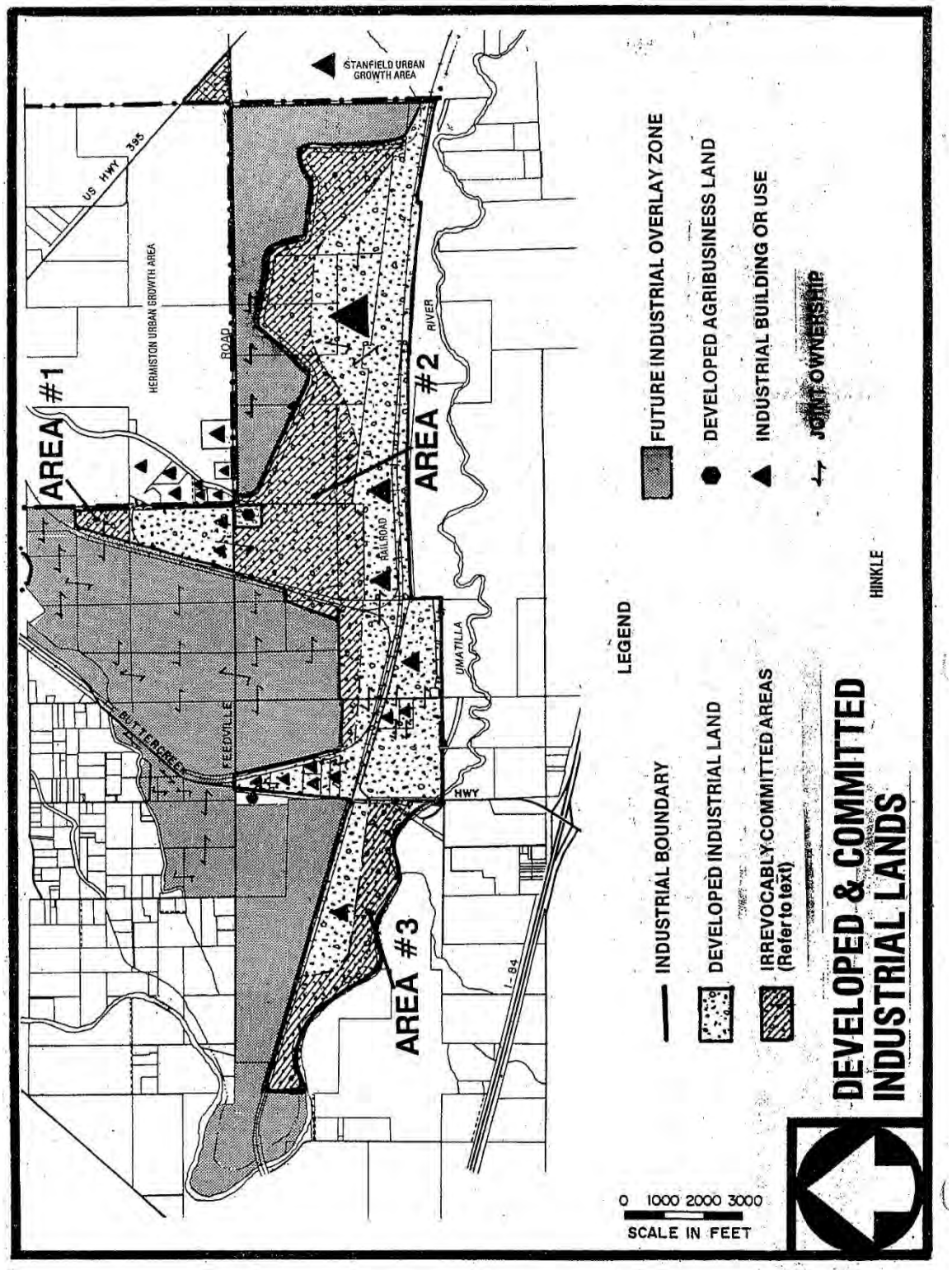
Continued resource management of land at present levels surrounding and near the site is assured. These lands are not now zoned HI and there is no plan to do so.

Appropriate levels of public utilities and services can be provided in a timely and efficient manner if needed. As noted above, these sites are served or can be served by private infrastructure. Roads can be provided by the County or the state.

Establishment of new urban development within this area can be coordinated with the effected cities of Hermiston and Stanfield.

IV. Conclusion.

For these reasons, the County finds that irrevocably committed for those vacant parcels and physically developed exceptions for those developed parcels are justified.



XVIII-459A

Map 18-77 – Developed & Committed Industrial Lands (XVIII-459A))

Rew Interchange (Area #5)

The Rew Interchange consists of 35 acres of developed industrial land (see top of Map 18-78). 3.5 acres in the northwest quadrant of the interchange have already been developed for use as a safety fuel stop for a large trucking operation, and consists of two large shop buildings, a manager's home, fuel tanks, and parking. Immediately adjacent to this, is land operated by a cooperative for grain storage. Across the interstate in the southwest quadrant are two parcels of land roughly 32 acres in size which have also been developed. The larger of the two parcels is triangular in shape and was used during the construction of the interstate for parking trucks and machinery. A batch plant was also located on this site which mixed concrete during the highway construction. A heavy layer of gravel was laid down over the parcel and the heavy trucks ground the rocks into the dirt, rendering the parcel impractical to farm. Since the time of the highway construction, the landowner has not farmed this portion of his property. The smaller parcel is completely surrounded by roads, which makes it difficult to farm, and has laid idle, since the construction of the overpass. Therefore, these two parcels on the south side of the freeway have been included for industrial use.

Central County Industrial Lands

Five sites in the central portion of the county have been identified for industrial use. Three are located west of Pendleton along the old highway, one west of Pendleton along the freeway, and one north of Pilot Rock. Detailed mapping of all five sites has been provided to show the extent of development on these sites which precludes their use for resource activities.

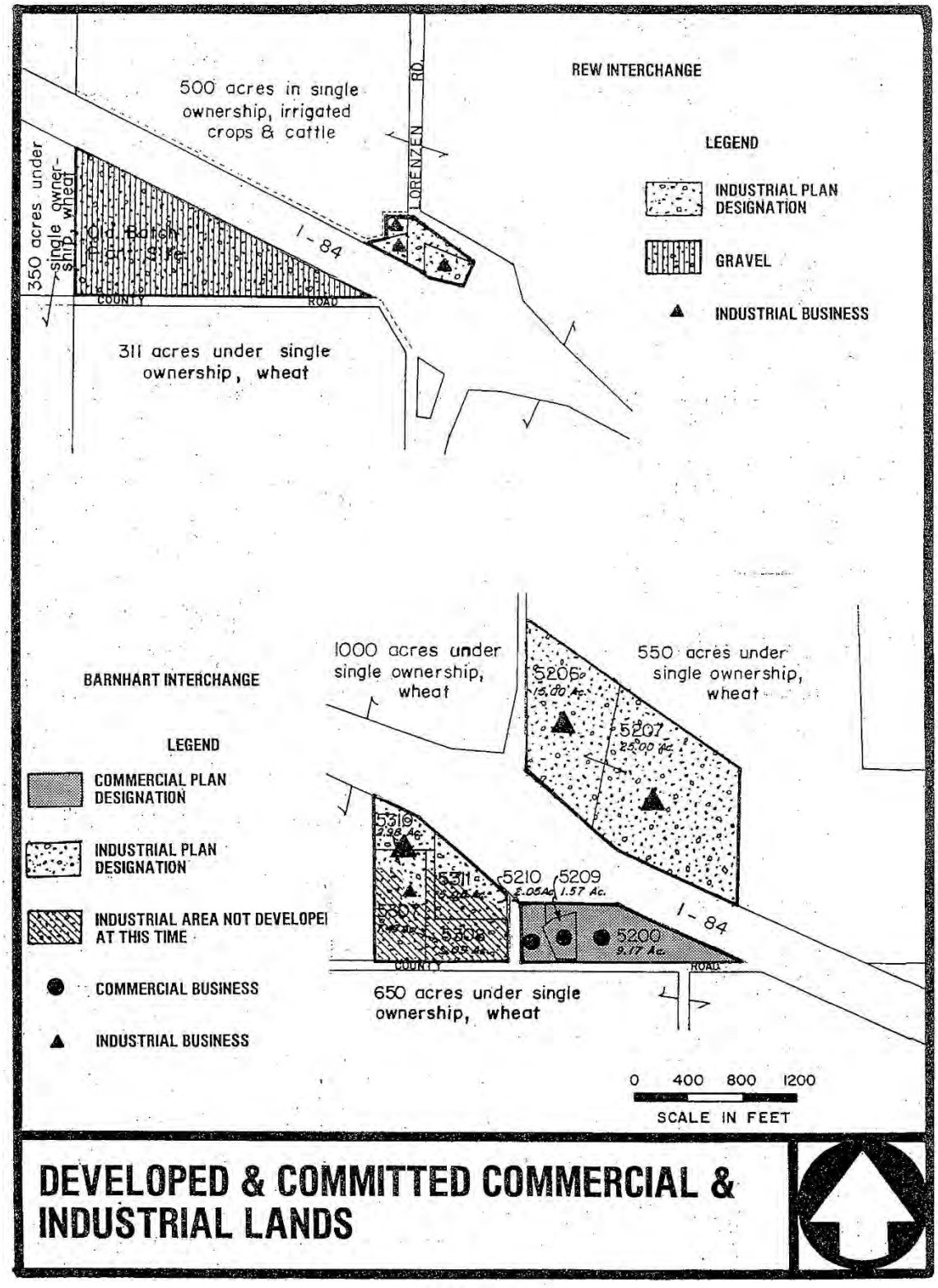
A 20 acres site, situated near the unincorporated community of Rieth, was the site of an old county sanitary landfill (see top of Map 18-79). It is presently used to store some equipment and as a dump site for wood chips, mainly from the lumber mill located nearby in the Pendleton Urban Growth Area. It has also been used as a storage site for wood chips. The use of the site for a landfill and storage yard and the fact that surrounding properties are in residential use precludes the use of this site for commercial agricultural production.

Two gravel sites are located further west from Reith (see bottom of Map 18-79). The one closest to Rieth contains approximately 22 acres and is a major source for basalt for the railroad mainline. A rock crushing plant has been located on the site for several years with conveyor belts and loading facilities for the rail cars that have access to the site via a spur line. Several pieces of heavy equipment are used to remove and load the rock into the crusher.

The second gravel operation is approximately one mile west of the first site on the old highway and contains roughly 53 acres. Presently about half the land has been disturbed with some large stockpiles existing in these areas (see Map 18-87). The site is located on scabland north of the county road, and only the area not cultivated has been designated for industrial use. All surrounding agricultural lands have been preserved for agricultural use.

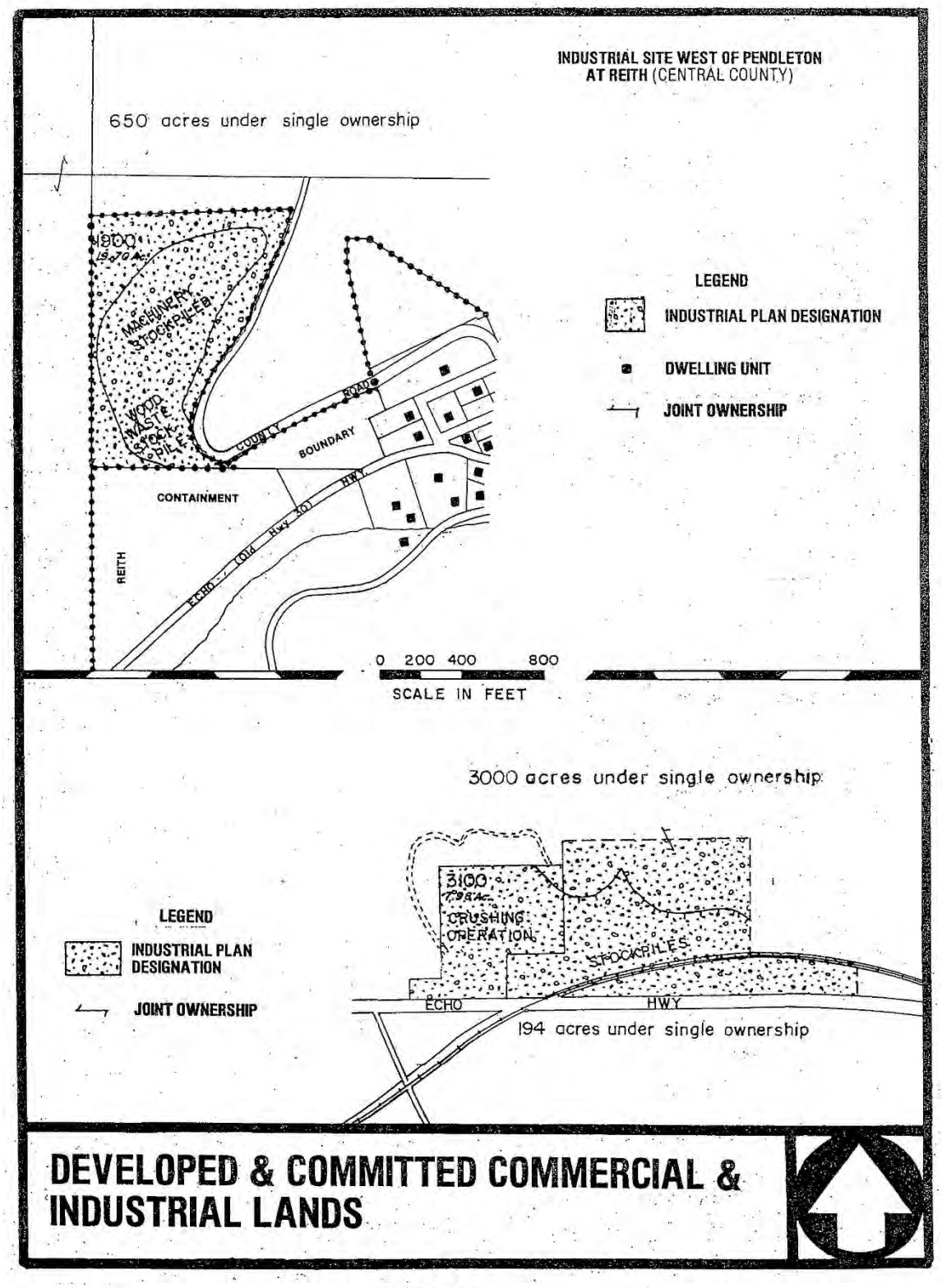
A fourth area is located off 1-84 at the Barnhart Interchange along with some commercial land (see top of Map 18-78). The 55 acres industrial site has a major advantage over most other industrial areas in that it is readily accessible to interstate traffic. The present land uses of this zoned industrial land consists of two truck repair and sale shops. Both operations demand large site areas, and these two businesses use a majority of the land under their ownership. One landowner (in the southwest quadrant) testified that he is in the process of expanding and will be utilizing about 50% of the area.

The final area in the Central County is 37 acres located north of the Pilot Rock Urban Growth Boundary. This entire parcel contains a two-cell sewage lagoon and related facilities owned and operated by the City of Pilot Rock (see Map 18-79).

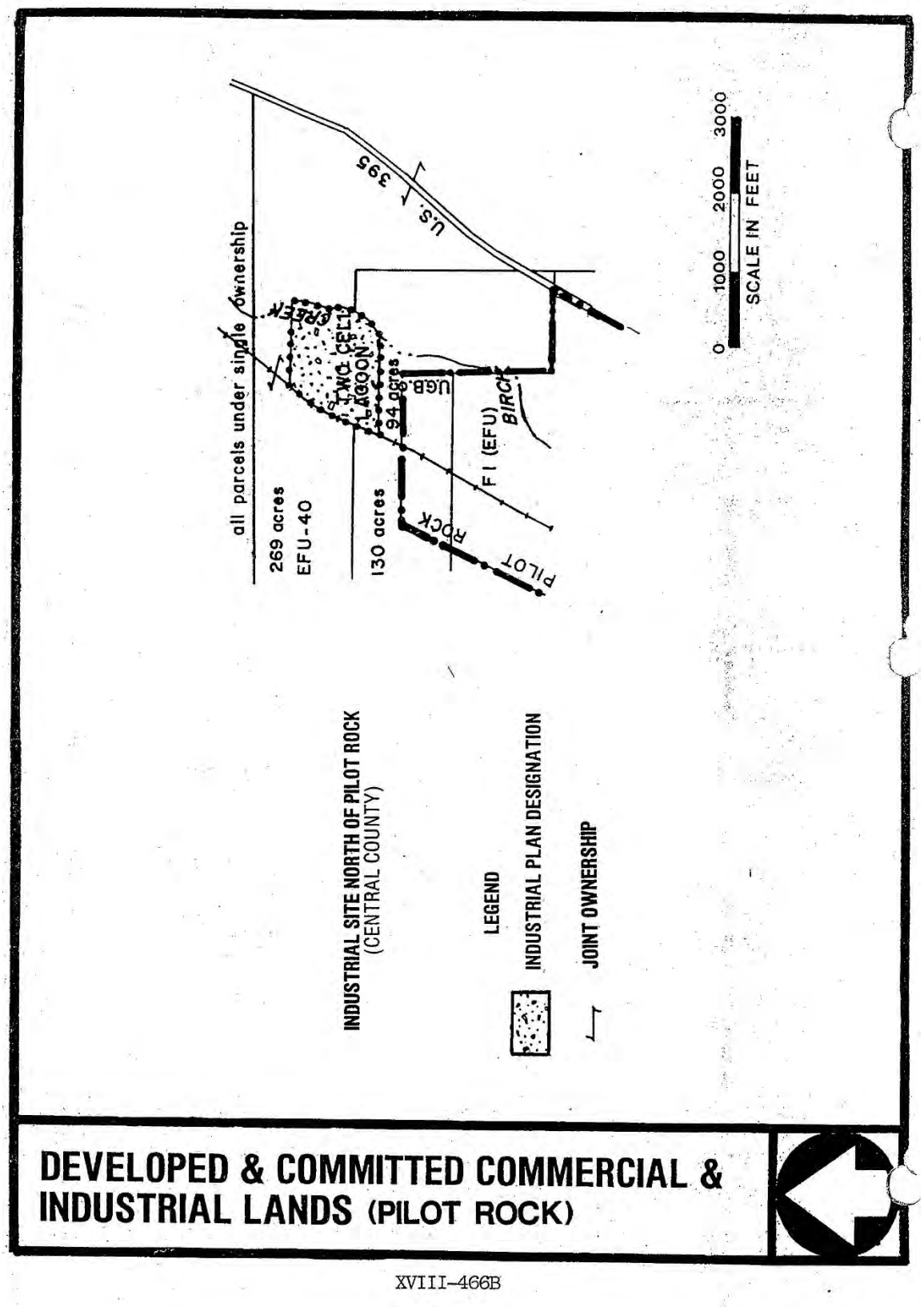


XVIII-465A

Map 18-78 – Developed & Committed Commercial & Industrial Lands (XVIII-465A)



Map 18-79 – Developed & Committed Commercial & Industrial Lands (XVIII-466A)



Map 18-80 – Developed & Committed Commercial & Industrial Lands (Pilot Rock) (XVIII-466B)

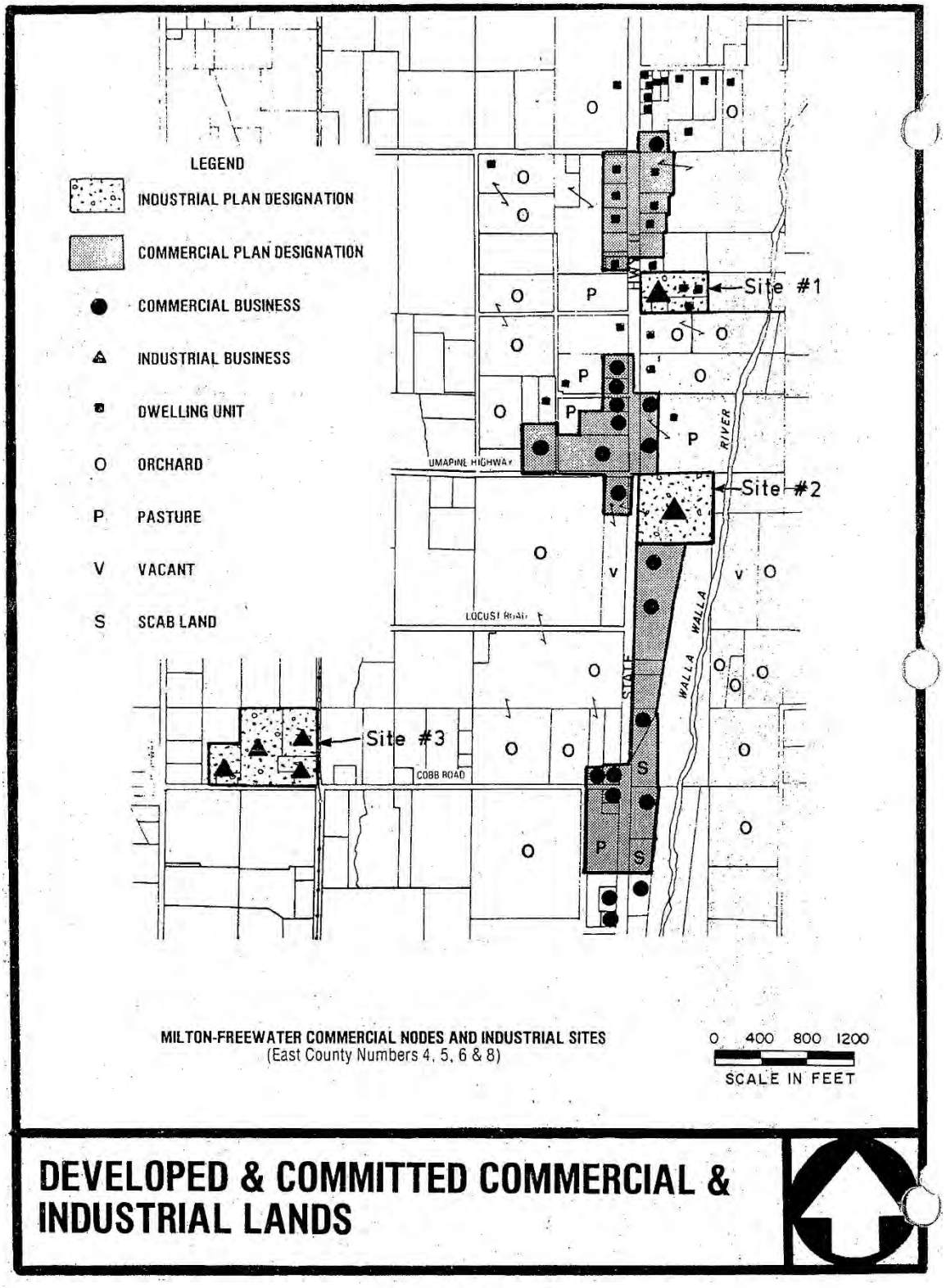
East County Industrial Lands

In the East County, 39.11 acres of industrial land comprising eleven tax lots in five separate locations are located outside of the Milton-Freewater Urban Growth Boundary. All the 36 acres are developed with non-farm uses. Site #1 is located on the east side of Highway 11 between Appleton Road and Sunnyside Road and contains 4.3 acres (see Map 18-81). It is the site of a junkyard. Site #2 labled is adjacent to Sunnyside-Umapine Highway on the east side of Highway 11 and contains 7.75 acres. It is the site of a major sand and gravel operation that occupies the entire parcel.

Site #3 consists of 11.5 acres fronting the north side of Cobb Road, just west of the Walla Walla Valley Railroad Tracks. It is the site of a major Bonneville Power Administration substation, a farm chemical storage and sales business, and livestock feedyard and a farm supply store.

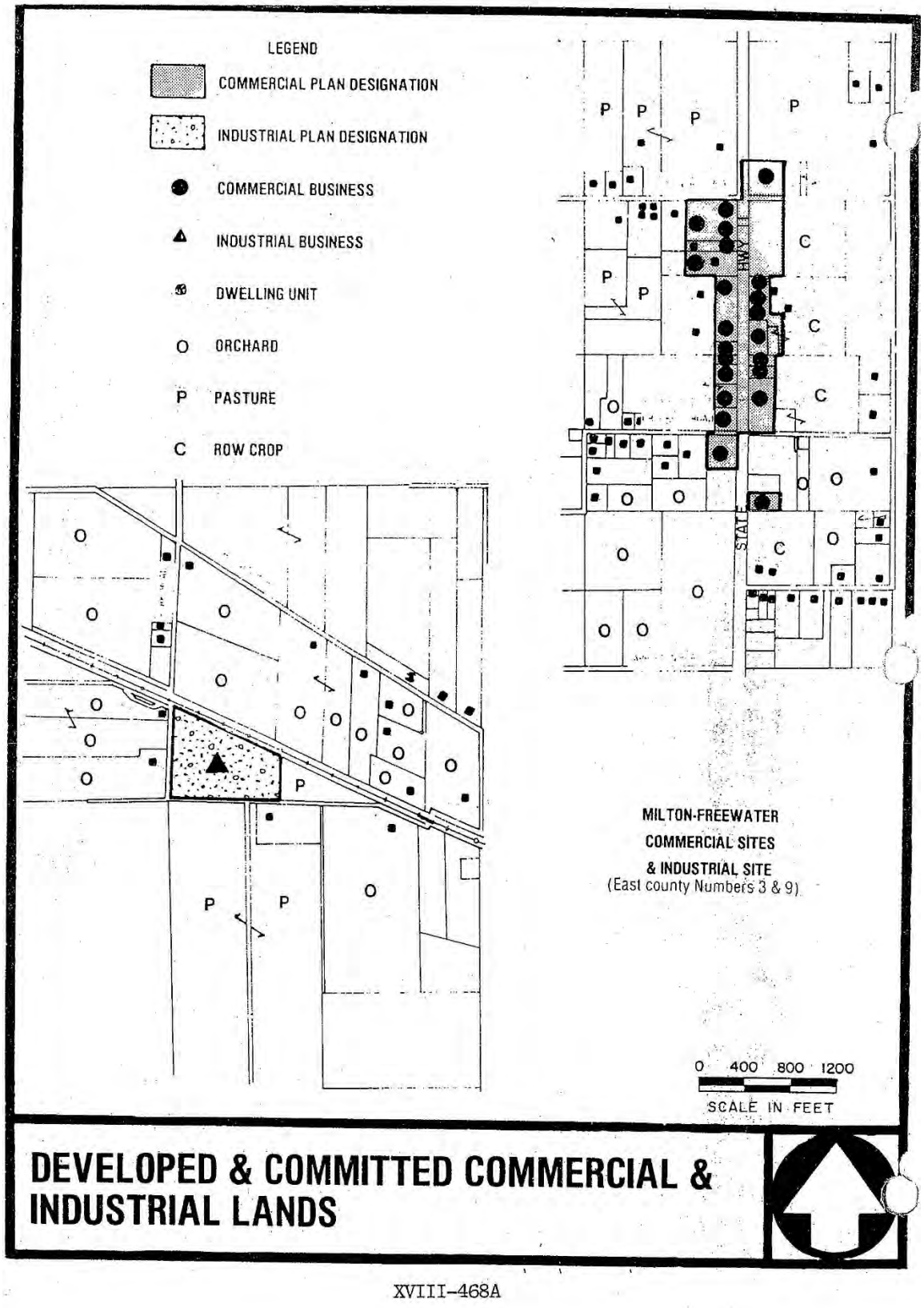
The final area is approximately 13 acres of land located northwest of Milton-Freewater along York Road. If is the site of the county shops, several large buildings and large road building equipment. The entire area is overlaid with gravel for parking of machinery. Detailed mapping has been provided for all four sites (see lower left side of Map 18-82).

Site #4 consists of 3.11 acres located on east side of State Highway 11, north of its intersection with Ballou Road, approximately 2.75 miles north of the City of Milton-Freewater. It is the former site of a nursery, including its commercial sales structure and caretaker's residence.



XVIII–467A

Map 18-81 – Developed & Committed Commercial & Industrial Lands (XVIII-467A)



Map 18-82 – Developed & Committed Commercial & Industrial Lands (XVIII-468A)

Future Industrial Lands

After evaluating many sites for their potential use as industrial lands, the County found that there were areas adjacent to developed and irrevocably committed lands that were ideally suited for future industrial use. However, due to the requirements of the Statewide Planning Goals, it was not possible to designate these additional lands for industrial use at this time.

Many of the sites contain desirable amenities such as direct rail access, paved roads, proximity to highways and freeways, large quantities of water, and level ground with few building restrictions. Many of the sites were also actively farmed, and to designate them for industrial use would be contrary to state planning goals and policies found elsewhere in the Umatilla County's Comprehensive Plan. Nevertheless, the county believes these areas should be identified for future consideration as industrial lands, should existing inventories be exhausted or prove inadequate for industrial users.

Therefore, the county has developed a Future Industrial Overlay Zone to apply to lands that cannot presently be designated for industrial use. In doing so, the county is identifying the potential of the land for industrial use while still preserving the valuable resource use it presently has. Any change in the land use designation of the site to a non-resource use would still require that an exception be taken pursuant to ORS 197.732 and OAR 660-04-020 to 028. The advantage of identifying these sites now is that future industrial development will be directed towards areas where the county most desires additional development to occur.

AGRI-BUSINESS

Agri-Business land uses are those activities that provide a commercial or industrial use related to the agricultural activities in the area, or provide an agriculturally related product or service. The agri-business land use designation is appropriate where a commercial or industrial designation may not be compatible with the surrounding land use, or where it is not appropriate to classify existing land uses as commercial or industrial. Certain activities allowed under a commercial or industrial land designation could have detrimental impacts in an area. The agribusiness designation is designed to provide for flexibility, yet protect and preserve the integrity of an area.

Six sites have been designated for agribusiness throughout the county; three sites in the west portion of the county and three sites in the Orchards District. Detailed mapping of all six sites has been provided.

Of the three sites in the West County, two are located in the Hinkle Industrial Area and one in the Westland Industrial Area. The sites in the Hinkle Industrial Area are farm machinery sales and service businesses. The first is located in the southwest corner of the intersection of Feedville Road and is located in the southwest corner of the intersection of Feedville Road and Hinkle Road. (See hexagon symbol on Map 18-83). It consists of approximately ten acres of developed land. If is owned by the local farmers[1] cooperative and serves the regional farm market. It is close to rail facilities for easy delivery of farm equipment. It is also centrally located to the farming area in the west portion of the county.

Site #2 on this above referenced map is one mile to the west of the first site and is situated along the west side of the Buttercreek Highway, adjacent to Feedville Road. The site contains approximately 15 acres of developed land. Two farm implement dealerships are located on this site. Again, the site is close to rail facilities, is located on a major state highway, and is centrally located for the farm operators in the west portion of the county.

The third area designated for agri-business use is in the northeast quadrant of the Westland Road Interchange along 1-84 (see Map 18-84). The 33 acres involved are used as a livestock sales yard. A large barn, pens, show area, cafe, and three mobile homes are located on the site. In recent years this sales yard has become a major retailing outlet for independent cattlemen and horsebreeders. The site has direct access to 1-84 and to Westland Road, which has direct access into the City of Hermiston. The identification of this site for agri-business use will allow for the growth of the business without putting it into a non-conforming status.

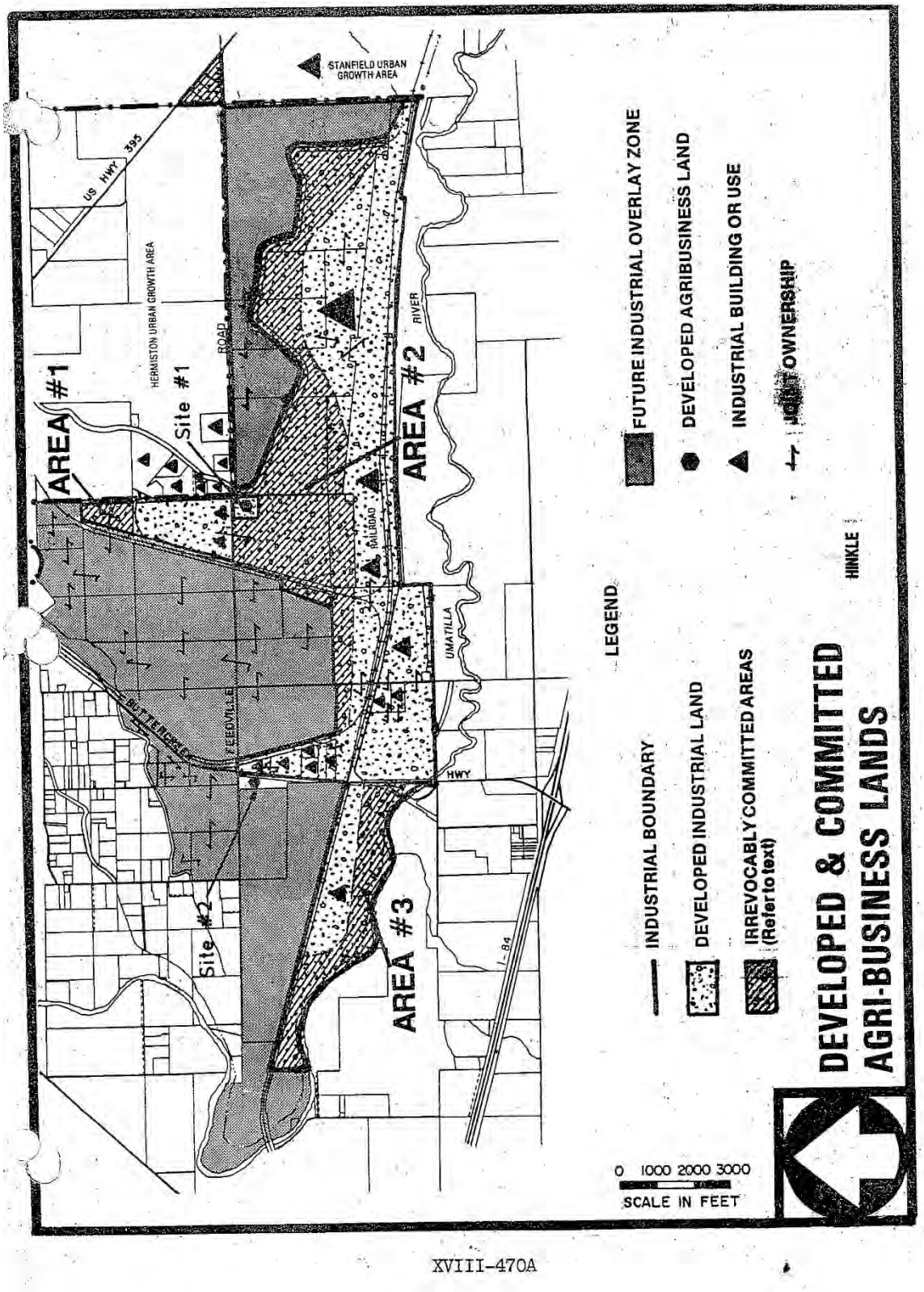
In the Orchards District four parcels in three specific sites totaling approximately 21 acres have been identified for agri-business use (see
Map 18-85). Two of the parcels are along Highway 11 and include a custom meat cutting business (2.90 acres) and a nursery (8.17 acres). Industrial and Agri-Business sites. Three of the parcels are along Highway 11 and include a custom meat cutting business (2.90 acres) and a nursery (11.28 acres). Both of these uses were considered by the Orchards District Citizens Advisory Committee for commercial use, but the Citizens Advisory Committee (CAC) recommended that an agribusiness designation be placed on them. This was to preclude a future strip commercial development along the highway. Both businesses have been in operation for many years, and the designation as agri-business

would allow them to continue without having to be designated commercial, and possibly leading to more intensive commercial development in the future. Some agribusiness uses (i.e. nurseries) require large vacant areas for stock, and a Commercial or Industrial designation could place added pressures on these types of businesses to convert the land to a more cost-effect use.

The other area identified as Industrial is along Ballou Road, west of the highway. It is the site of a building used for packing and slaughtering. The area designated agri-business includes 9.70 acres. A building, mobile home, and sewage lagoons are located on the property.

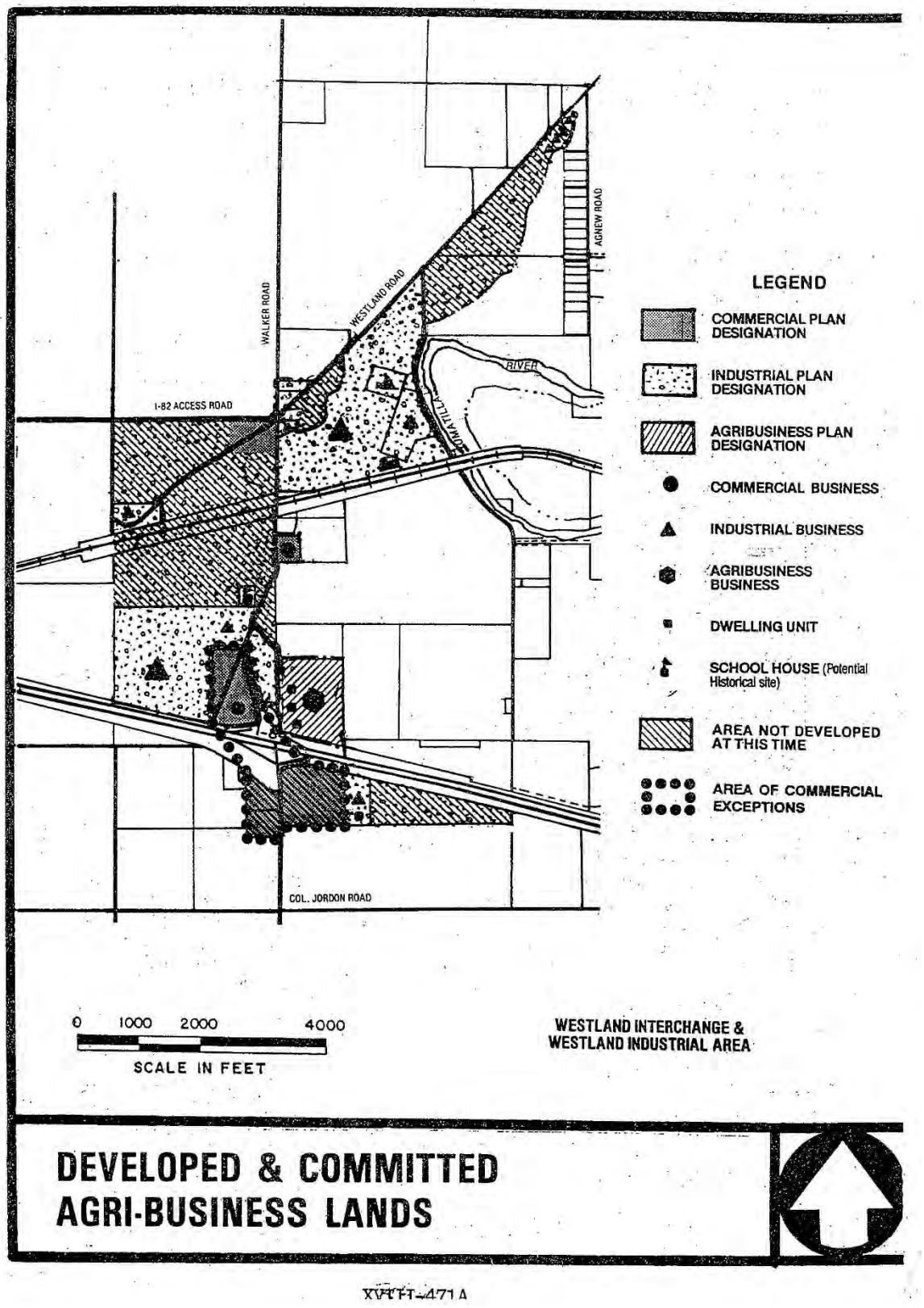
Other areas in the county may be designated and zoned for agri-business use by the county upon a showing that the site has: (1) Needed specific site characteristics for the use to be established (i.e. close to the market situated on a necessary transportation mode); (2) Identification of other sites which can reasonably fill that need; (3) Assessments of the physical characteristics of the site and how the site would impact the economic and environmental quality of the area by reclassification; (4) Evaluation of compatibility with the surrounding land uses and the feasibility of mitigating actions.

For the readers benefit a summary table of commercial and industrial lands are listed with acreage, land use information and soils data. Two general area maps are included for reference purposes (see Map 18-86 and Map 18-87).

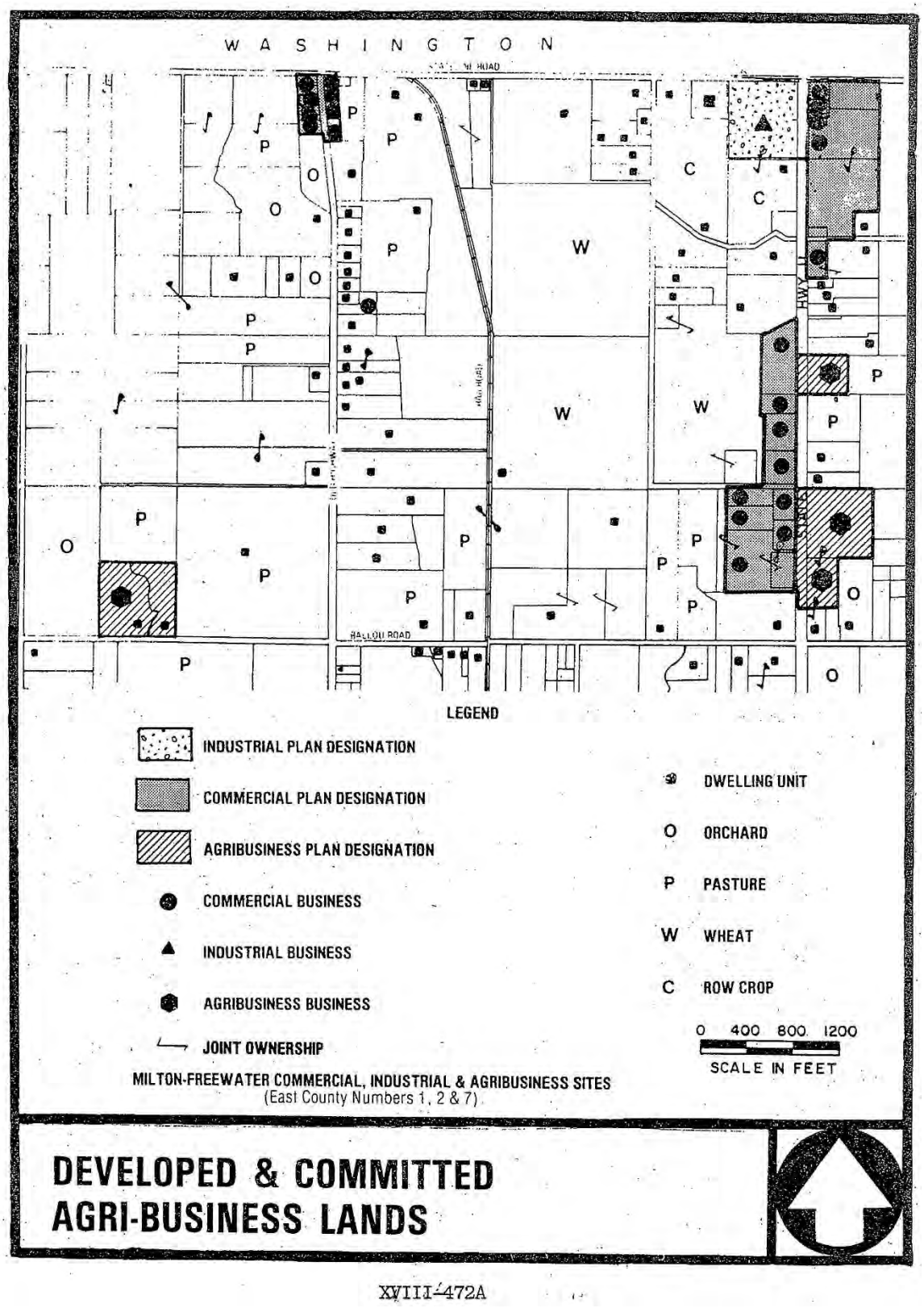


XVIII-470A

Map 18-83 – Developed & Committed Agri-Business Lands (XVIII-470A)



Map 18-84 – Developed & Committed Agri-Business Lands (XVIII-471A)



Map 18-85 – Developed & Committed Agri-Business Lands (XVIII-472A)

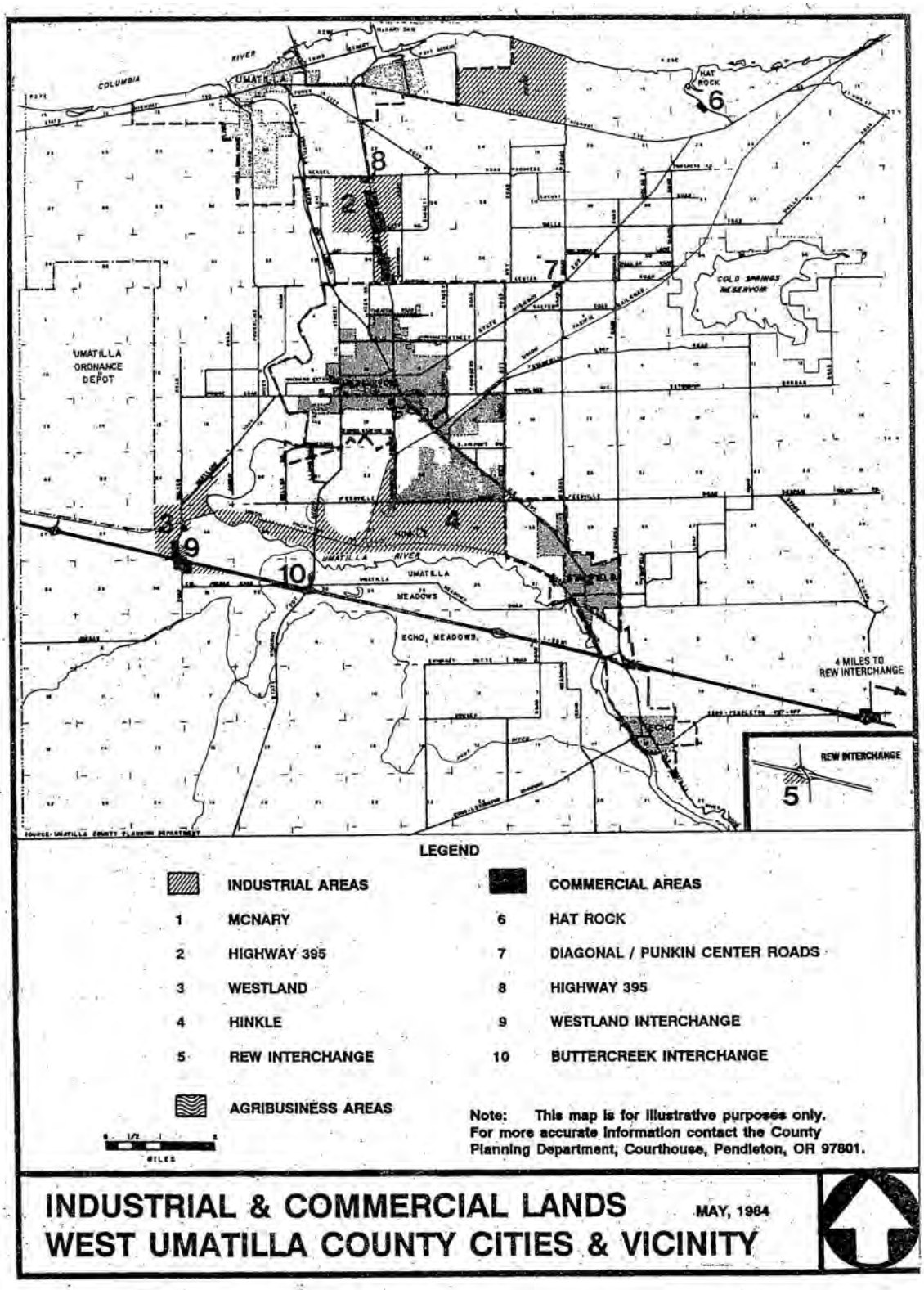
SUMMARY OF INDUSTRIAL AND COMMERCIAL LANDS

Area	ACRES	LAND USE	SOIL CLASS	ROADS & UTILITIES	OTHER
1. McNary	140	Vacant, grazing	VII, VIII	U.S. Highway 730, County Road 625. Utilities Available: Electricity, water, railroad, paved roads, barge facilities.	Large portion of land was under option to Alumax Pacific for several years for use as an aluminum reduction plant. Part of the Port of Umatilla's identified industrial land inventory
2. Highway 395	800	Warehousing, wrecking yards, light manufacturing, land- fill, aggregate extraction and crushing, sand drag track, vacant land, grazing.	VII, 600 acres VI approx. 200 acres	U.S. Highway 305. Three county roads, nine public roads. Utilities Available: Electricity, water, highway, one paved county road, 2 graveled county roads, 2 graveled public roads.	This area has been identified since 1976 for light industrial use. Many uses have located out in this area since 1976. This area lacks any irrigation water rights from the irrigation district.
3. Westland	430	Potato processing plant, cold storage facility, cattle auction yard, horse training tract, truck repair business, railroad tie storage and sales yard, tavern, mobile home park, light manufacturing and commercial retail.	III Irrigated VI Non-irrigated	County road, 1-84, freeway interchange Utilities Available: Electricity, gas, railroad, paved road, freeway access.	Only 35 acres have been used for agricultural purposes in recent years. In close proximity to rail and freeway.
4. Hincle	1960	Railroad classification yard, potato processing plant, hay cubing plant, potato cold storage, fertilizer plant, vacant	IIe, IIc Irrigated IV Non-irrigated	Two county roads, State Highway 207. Utilities Available: Electricity, gas, paved county road, state highway.	Much of the land is owned by the railroad. This entire area has been designed industrial for over 8 years, and approximately 500 acres of

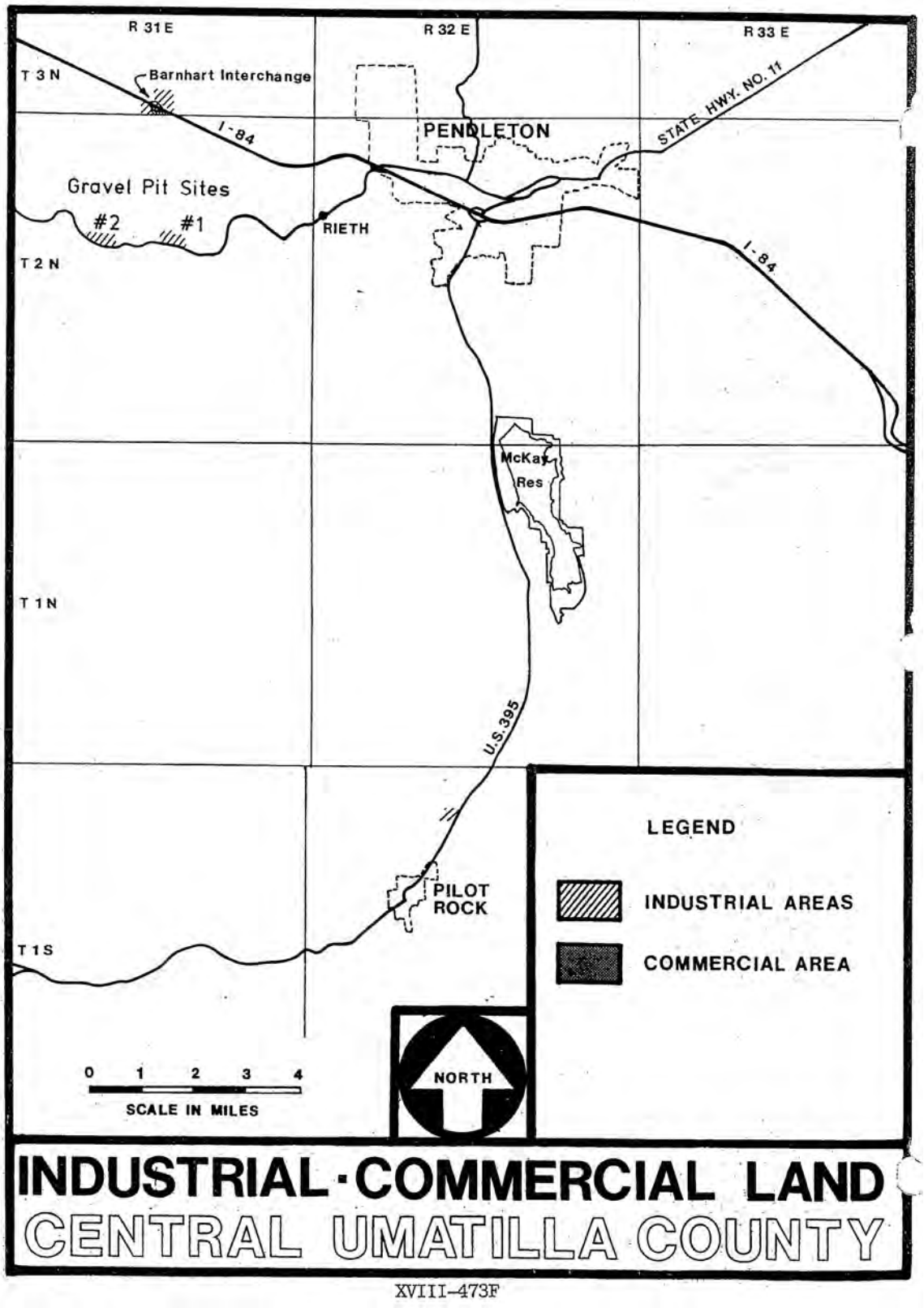
		land, gravel pit.			development has occurred.-
5. Rew	35	Grain elevator, safety fuel stops for trucking businesses (truck terminal).	VI	Freeway interchange, county road. Utilities Available: Electricity, freeway access.	32 acres were used for a batch plant when the freeway was put in and several inches of gravel have been compressed on the site.
6. Hat Rock	15	Convenience Store, mobile home park, over night facilities and picnic area.	VII	State park areas, Park – paved. Utilities Available: electricity, water, community sewer, paved road	This area is almost entirely developed.
7. Punkin Center	2.5	Convenience Store and gas station	IV Irrigated VII, Non-Irrigated	Punkin Center, Craig Canal – county roads; State Highway 207. Utilities Available: Electricity, paved roads.	Area is characterized by several rural residential homesites on small lots which precludes the land from being preserved for agricultural uses and commits it to a non-farm use.
8. Highway 395	160	Numerous businesses, including retail sales, mobile home sales, lots, building supplies, professional offices, real estate offices, 38 total businesses.	VII	US Highway 395, two county roads and nine public roads. Utilities Available: Electricity, water, paved roads.	This area is almost entirely developed. Any additional development would only be in-fill.
9. Westland Interchange	35	Railroad ties, sales office, vacant	III, Irrigated VI, Non-Irrigated	Freeway interchange, county road. Utilities Available: Electricity, paved roads, freeway access.	These 35 acres is divided up into three different parcels in three quadrants of the freeway interchange. The area lacks any irrigation water rights.

10. Buttercreek	14	Gas station, store, produce stand, travel trailer park.	II, Iirrigated	Freeway interchange, State Highway 207. Utilities Available: Electricity, private sewer and water, paved road, freeway access.	This site is entirely developed and has a long history of commercial uses.
11. Rieth	20	Wood chip storage	-	Old Umatilla River Road Utilizes Available: Electricity, paved road, railroad	Once the site of old landfill
12. Umatilla River Pits Site #1 Site #2	75 (22) (53)	Gravel extraction	VI, VIII	Old Umatilla River Road Utilities Available: Electricity, paved road, railroad	Both pits still active
13. Barnhart Interchange	55	Truck sales, bottling works	--	I-84, county road, freeway interchange Utilizes Available: Electricity, paved roads, freeway access	
14. Pilot Rock	37	Sewage lagoon	-	County road Utilizes Available: Electricity	City of Pilot Rock Sewage Lagoon
15. East County Industry	36.5	Variety of uses	-	County roads, Highway 11 Utilizes Available: Electricity, paved county roads	Most of this area is developed. Very little areas vacant

Table 18-5 - Summary of Industrial and Commercial Lands



Map 18-86 – Industrial & Commercial Lands, West Umatilla County Cities & Vicinity (XVIII-473E)



Map 18-87 – Industrial – Commercial Zoning, Central Umatilla County (XVIII-473F)

UNINCORPORATED COMMUNITIES

These areas are, in essence, unincorporated built-up areas. Density patterns are relatively high within subsurface sewage disposal constraints. The areas are potentially suited to eventual municipal incorporation. Until that time, it is the intent of this plan to provide opportunities for limited expansion while encouraging infill. Areas such as Rieth, Meacham and Umapine are identified and provided with development boundaries. Within the boundaries, land is considered potentially developable and uses allowed will be only those that will maintain the character of the community and be at levels consistent with available public facilities (see Containment Map 18-88,

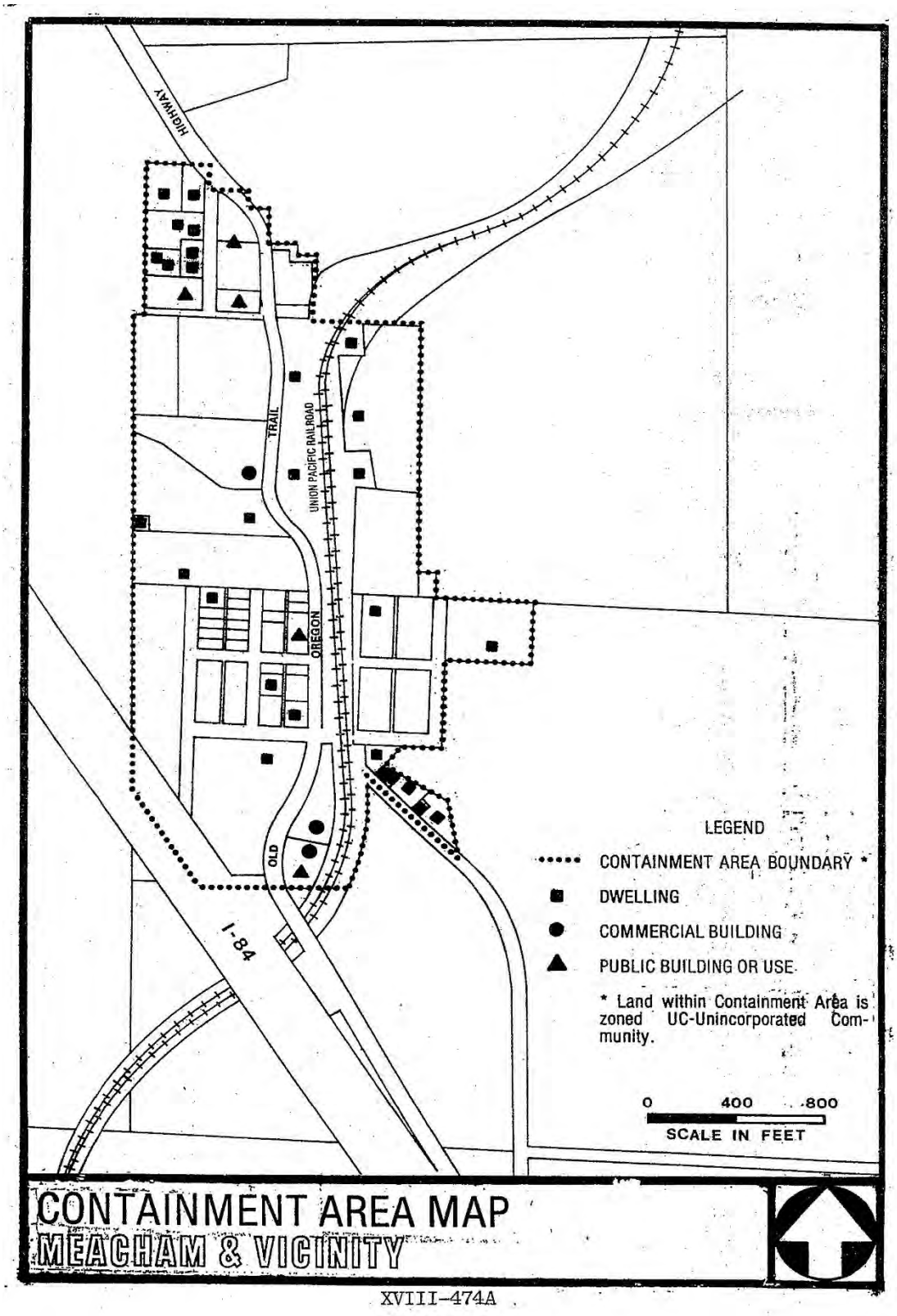
Map 18-89 and Map 18-90).

Because the facilities are limited and the potential for adverse impacts on adjacent resource lands exists, the containment boundaries shall not be expanded any further than outlined on the containment maps. In Rieth, if major development is proposed or expansion of the containment boundary can be justified, then the county would encourage that the Rieth area be included into the adjacent Pendleton Urban Growth Boundary which has been co-adopted by the County.

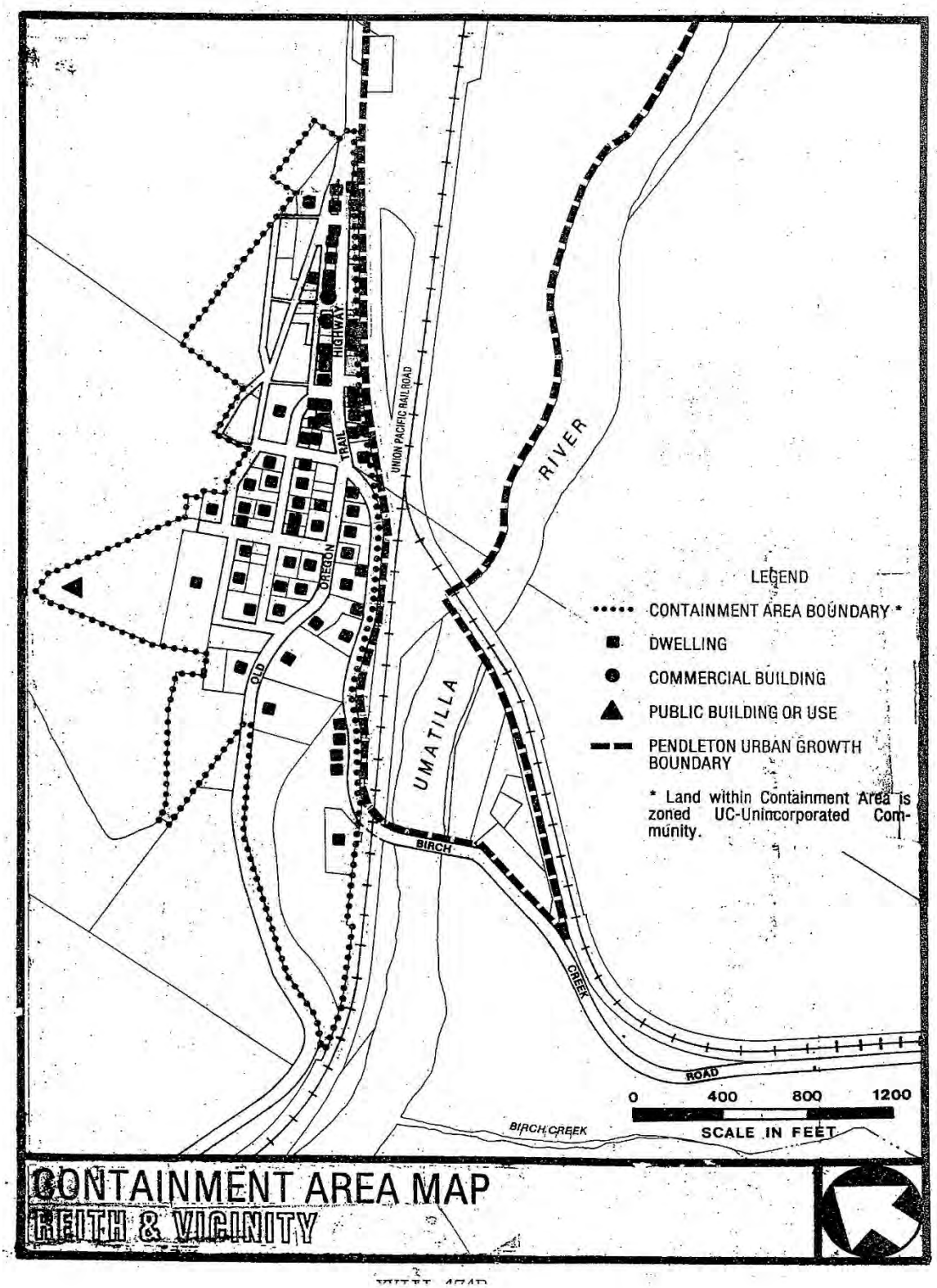
URBANIZABLE

Urbanizable lands are distinguished from other land categories in that they are within each cities' Urban Growth Boundary and outside its incorporated limits. The boundaries have been established and may be altered by joint adoption of the various cities and the county.

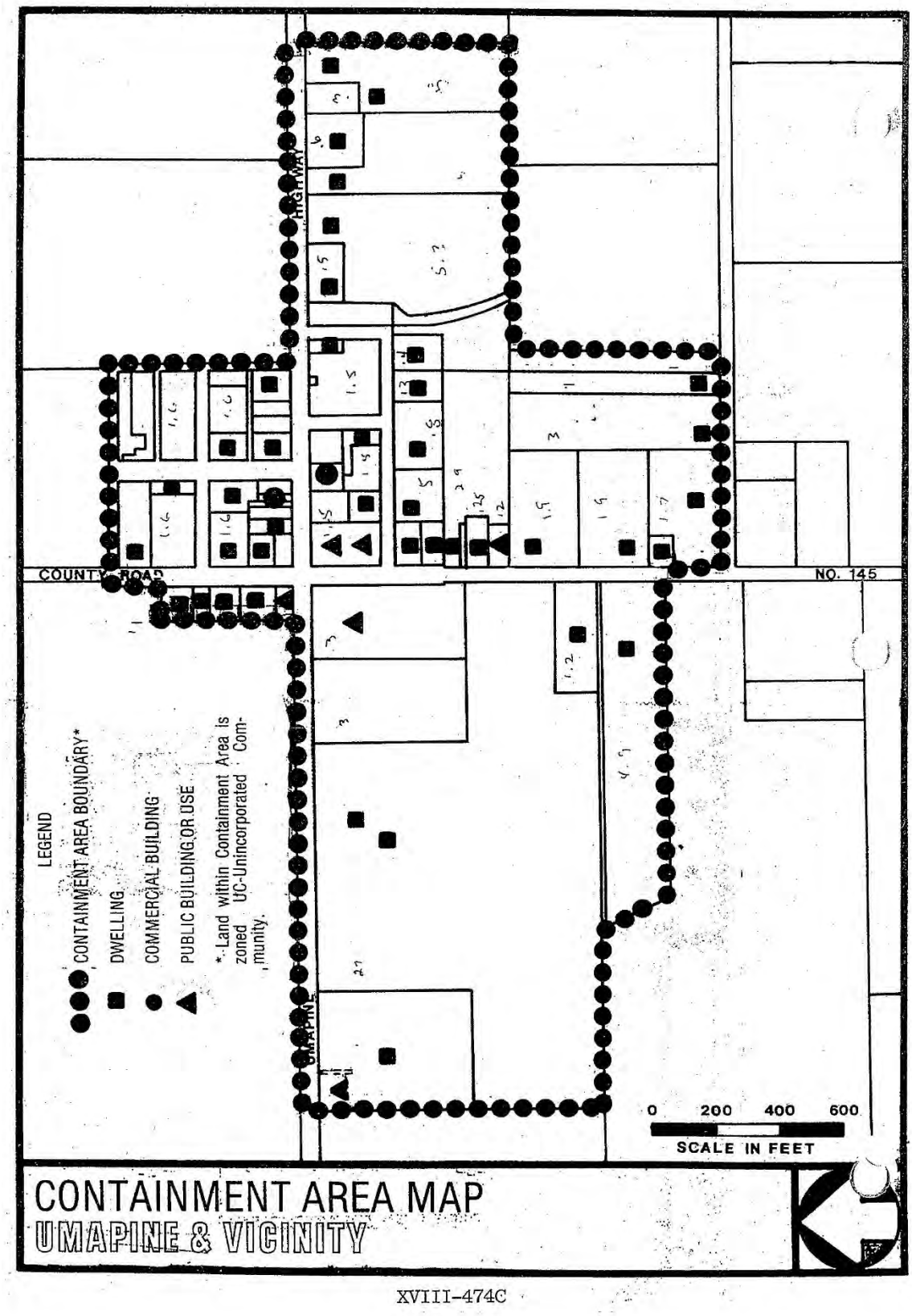
These lands are slated for urban services as each city expands into its urban growth area. Land use classifications inside the urbanizing area are defined in each city's comprehensive plan and are adopted by the county as county Comprehensive Plan Amendments. Within Umatilla County, each city's plan for lands between city limits and Urban Growth Boundary are, by reference, part of this plan. Coordination between the county and cities is a feature of the joint adoption process. Specific features of the plan for each city's urban growth area vary slightly and will be found in that city's Comprehensive Plan and in the implementing Joint Management Agreement.



Map 18-88 – Containment Area Map, Meacham & Vicinity (XVIII-474A)



Map 18-89 – Containment Area Map, Rieth & Vicinity (XVIII-474B)



Map 18-90 – Containment Area Map, Umapine & Vicinity (XVIII-474C)

FEDERAL LANDS

The federal government owns approximately 400,000 acres of land in Umatilla County (excluding Reservation and Tribal Trust lands), under the jurisdiction of several agencies (Forest Service, BLM, Army, Corps of Engineers, BOR, etc.) comprising almost 20% of the total land area. The largest single federal government owner is the Forest Service, with approximately 375,000 acres.

Although the county has little jurisdiction over federal lands, a mechanism must be developed to insure immediate and proper land and zoning designation of any former federal land that comes under county jurisdiction due to land exchange, sale or consolidation activities. Therefore, all federal lands shall be assigned the plan and zoning classifications common to the area in which the property is located and shall be subject to said regulations immediately upon removal from federal jurisdiction.

However, due to the size of the areas involved, the Forest Service land (National Forest) shall not be "overlaid" by county plan and zoning classifications, but shall be subject to the above policy should any land be removed from federal jurisdiction.

A number of isolated privately owned or non-federal parcels of land exist within the National Forest area. These parcels shall be assigned appropriate plan and zoning classifications similar to surrounding land use and zoning designations.

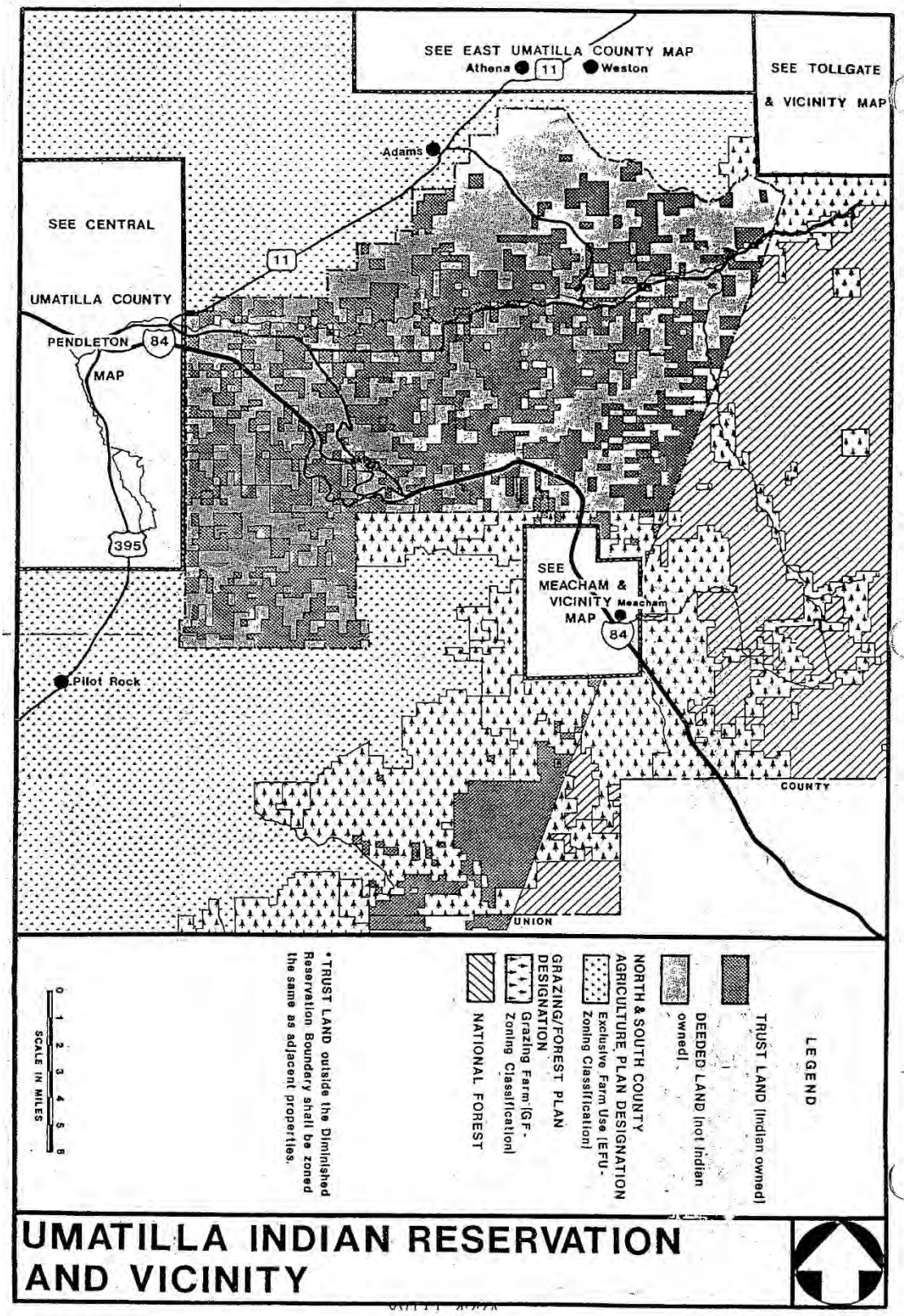
The Planning Director shall schedule a public hearing by the Planning Commission within thirty (30) days after a land parcel goes from federal to County jurisdiction to determine if its immediately applied plan and zoning classifications are appropriate.

(Ord. 2014-06, passed July 2, 2014)

UMATILLA RESERVATION AND TRIBAL TRUST LANDS

The Confederated Tribes of the Umatilla Indian Reservation control 170,730 acres of land in Umatilla County, of which 157,982 acres are within Reservation boundaries and 12,758 acres are outside. In total, this consists of eight percent (8%) of the County's land area. Lands within the existing boundaries of the Umatilla Indian Reservation are not subject to this plan. However, the Tribe and the County shall continue joint administration of zoning within the Reservation. Land use designations and zoning classifications for deeded lands within the diminished boundaries of the Umatilla Indian Reservation will not change under this plan.

Tribal Trust lands off the reservation shall be subject to the above federal lands policy (see Map 18-91).



Map 18-91 – Umatilla Indian Reservation & Vicinity (XVIII-477A)

STATE LANDS

The State of Oregon owns 27,320 acres in the County. These lands are managed by various state agencies, including the Department of Forestry, Department of Fish and Wildlife, and Department of Transportation, and serve a variety of functions, including parks, camping areas, road waysides, and a wildlife management area. Unlike federal and Tribal lands, the county does have jurisdiction on state-owned lands; therefore, plan and zoning designations apply.

State-owned lands are recognized primarily as resource areas managed by state agencies for the overall benefits of Oregon's citizens. Accordingly, county land-use controls for such lands are to accommodate the appropriate caretaker agency's intended plans while protecting these lands with compatible zoning and appropriate development standards placed upon adjacent development proposals and land use activities. Most state management uses are allowed in the Development Ordinance.

HUTTERIAN BRETHREN GOAL 3 EXCEPTION

Stahl Hutterian Brethren of Ritzville, Washington, purchased the "Mikami Farm" near Stanfield, Oregon, with the intention of farming the land by establishing a new Hutterite community, with dwellings, a church, a school, a community building, and other necessary support facilities, including a water system and wastewater disposal system. The community would eventually accommodate approximately 100 persons. All adults would be employed in farming or activities that support the work of the farm.

The proposed configuration of uses, especially the non-farm uses on high value farmland (church, school, and community building), is inconsistent with Goal 3, which requires protection of high value farmland and statutes and rules which are based on the model of an agricultural enterprise undertaken by a single family or family with hired workers, rather than as a communal farm. Dwellings can be allowed on high value farmland under certain circumstances, but a waiting period is required to confirm sufficient income is generated or a hierarchical structure (main dwelling, accessory dwellings) is required. The waiting period would make it difficult for the community to operate the farm without an on-site presence and a hierarchical arrangement which conflicts with Hutterite beliefs.

The community will include approximately 100 people, living in attached and detached dwellings. All adults in the community will be engaged in farming or related support activities. The community buildings and improvements will be located on a 1,500 by 1,500 foot square (approximately 50 acres), and include the church and school, dwellings, both detached and attached, without a hierarchy of "primary" or "accessory," a community building that serves as a meeting and dining room, food preparation area, and laundry building. Other buildings necessary for the farm use such as barns, storage buildings, etc. would be permitted in the EFU Zone. Additional facilities required for the community include two domestic wells for water service, an on-site sewer system, and onsite roads sufficient to provide access within the community and to Despain Gulch Road.

The Hutterian Brethren have chosen a portion of Circle 9 as the community location. They have not identified specific building or facility sites pending the County's decision. Circle 9 is approximately a mile north of Despain Gulch Road. That location is one of the higher points on the property, offering suitable drainage for the wastewater system as well as reasonable separation from surrounding properties and uses. The water rights for the portion of the irrigated circle utilized for the community likely could be transferred to another part of the farm, resulting in no net loss, or minimal loss, of cultivated land.

The community location is a 51.28 acre parcel located in Section 17 of Township 4 North, Range 30, East of the Willamette Meridian in Umatilla County, Oregon, more particularly described as follows: BEGINNING at a point 2,180 feet North of the Southeast corner Section 17 of Township 4 North, Range 30, East of the Willamette Meridian; thence West a distance of 1,625.00 feet; thence South 62°25'37" West a distance of 446.34 feet; thence South a distance of 400.00 feet; thence West a distance of 150.00 feet; thence South a distance of 730.00 feet; thence West a distance of 80.00 feet; thence South a distance of 560.00 feet; thence East a distance of 490.00 feet; thence North a distance of 400.00 feet; thence East a distance of 650.00 feet; thence North 85°34'00" East a distance of 540.00 feet; thence North a distance of 630.00 feet;

thence West a distance of 770.00 feet; thence North a distance of 350.00 feet; thence along a 274.89 foot, 90° curve to the right with a radius of 175.00 feet and a chord of North 45°00'00" East and distance of 247.49 feet; thence East a distance of 1,175.00 feet to the East line of said Section 17; thence North 1°44'15" West a distance of 300.00 feet to the point of beginning of this description; All being East of Willamette Meridian, Umatilla County, Oregon.

Few Hutterians have need for vehicles, as their lives are centered on the farm and community activities. There are approximately a dozen passenger vehicles (six pickups, three large sport/utility vehicles, four vans) at the Ritzville community, in addition to farm trucks and equipment. A similar number of passenger vehicles would be expected at the Stanfield community.

The Hutterian Brethren require a rural location to maintain their particular agrarian and communal lifestyle and religious practice. A farm community cannot be established in a city, and the separation from outside influences is also an important factor for maintaining their religious beliefs. The dwellings, church, and school are essential to the functioning of the Hutterian community and their agricultural operation.

Stahl Hutterian purchased the "Mikami Farm" in September, 2001, and began taking steps to improve the facilities at once. They replaced equipment for 31 irrigation circles, and replaced 41 pivots and switching with improved equipment that more efficiently uses energy and water. Stahl Hutterian invested over $1 million in new farm equipment in 2002 and expects to invest a similar amount in the farm and equipment over the next year.

The "Mikami Farm" was chosen because it was a large tract that became available, a fairly infrequent occurrence, and the farm was a viable commercial operation that could become the basis for a communal enterprise.

BACKGROUND AND HISTORY

The Hutterite Brethren takes its name from Jakob Hutter, an Austrian who founded the group during the Protestant Reformation and was burned as a heretic in 1536. Hutter' s followers modeled their communities on the early church by holding their goods in common. Hutterites were persecuted in Moravia and Tyrol, eventually moving to Hungary and the Ukraine. In the 1870's, many emigrated to the United States and Canada. Colonies of 60 to 150 members operate communal farms across the Western United States and Canada.

Hutterites live as close to the teachings of Jesus' disciples in the New Testament as possible. Religious services and observances are an important part of daily life. Religious education starts at home, continuing in kindergarten and school. Children are taught both German and English.

Hutterites live and dress simply. They are pacifists and avoid politics. Communities are closed to non-community members, though non-members may choose to join.

Hutterites raise and process the food for their community. They use modern commercial type kitchen facilities to prepare meals and preserve the produce from an extensive farm garden. The community has facilities to butcher meat for its own use.

There are approximately 23,000 Hutterites in about 300 communities today in the United States and Canada. Although activities that support the communities vary, most engage in farming. Hutterites do not shun technology and their farming

operations are a model of modem methods, efficiency, and good management.

The Hutterian Brethren maintain communities that are separated, as a way of maintaining their religious beliefs and simple, communal life style. This is why it is important for the community to have its own church and school, and dwellings for all community members.

SITE DESCRIPTION

The "Mikami Farm" is a tract that qualifies as "high value farmland," as defined by OAR 660-033-0020 (8) (a), as it contains predominantly Class II or better irrigated soils. 1 The entire tract includes 8,853.54 acres under one ownership, of which 7,568 acres are irrigated (85%). The soils include a relatively small area of Adkins Fine Sandy Loam, classified as a prime soil when irrigated. Most of the site is Sagehill Fine Sandy Loam and Shano Very Fine Sandy Loam (both Class Ile when irrigated) with Quincy Fine Sand and Quincy Loamy Fine Sand (both IVe when irrigated).

Crops grown on the farm in 2002 include potatoes (1,102 acres), grass seed (900 acres), onions (785 acres), winter wheat (950 acres), spring wheat (1,406 acres), timothy hay (385 acres), alfalfa (485 acres), and sweet corn (455). Revenue generated by the "Mikami Farm" in 2000 and 2001 was approximately $8 million.

Most of the tract is gently rolling hills. However, the tract is crossed from east to west by two drainages, which connect near the west boundary and eventually flow into Cold Springs Reservoir. The drainageways have steeply sloped banks and these areas are currently unused for farm activities. Few trees grow on the farm. Some cattails and wetland-type plants grow in the marshy area where the two drainageways join.

There is an existing dwelling on the tract, and four large structures used for potato storage. There is also a fueling station.

EXCEPTION TO GOAL 3

Statewide Planning Goal 3 reads as follows:

> *"To preserve and maintain agricultural lands. Agricultural lands shall be preserved and maintained for farm use, consistent with existing and future needs for agricultural products, forest and open space and with the state's agricultural land use policy expressed in ORS 215.243 and 215.700."*

Goal 3, ORS 215.283 which lists permitted uses in EFU Zones,[2] and OAR 660-033, together provide the framework for protection of farmland, especially high value farmland. This scheme does not allow a church or school on high value farmland. Further, the statute allows dwellings under certain conditions, including an income test or in a hierarchical arrangement inconsistent with Hutterite beliefs. The policy and statutory framework is not structured to allow a communal situation.

The Hutterian Brethren request an Exception to Goal 3, to allow establishment of a communal farm because the specific uses and configuration of uses necessary for the community are not allowed on high value farmland under the statute and the goal.

Goal 2 provides that a local government may adopt an exception to a goal when "reasons" justify why the state policy should not apply. The language of Goal 2 is repeated in ORS 197.732 and repeated and interpreted in OAR 660-04. For practical purposes and to avoid redundancy, provisions of OAR 660-04 will be the focus of this narrative.

The purpose of the exceptions process is to provide flexibility in the application of the statewide planning goals. The proposal for a Hutterian community presents a unique set of issues: The Hutterian Brethren do not wish to change the use of the land but rather to maintain and improve the commercial agricultural enterprise. The Hutterians need the various elements of their community-dwellings, church, school, community building-to engage in the fanning of the property and to maintain their separate, communal style of life, which is based in their religious beliefs.

OAR 660-004-0010(1)(a) provides that "an exception to Goal 3 `Agricultural Lands' is not required for any of the farm or nonfarm uses permitted in the exclusive farm use (EFU) zone under ORS Chapter 215...." Notwithstanding that dwellings, church, and school are permitted in ORS 215.283, the particular arrangement of the uses in support of a communal farm was not. Therefore, the exception process is necessary to allow the Hutterite community, which will support Goal 3 by maintaining the "Mikami Farm" as a commercially viable agricultural enterprise. The exception process was determined to be the most expeditious means for assuring that all land use concerns and policies were considered, and to unequivocally allow all proposed uses for the community.

660-004-0020 Goal 2, Part 11(c), Exception Requirements

Four factors must be considered when taking an exception (660004-0020(1)), as discussed in the following sections:

> *Factor-1: "Reasons justify why the state policy embodied in the applicable goals should not apply."*

Only Goal 3 applies: The policy is "To preserve and maintain agricultural lands. Agricultural lands shall be preserved and maintained for farm use, consistent with existing and future needs...." As noted, the exception process is necessary because the proposed uses are not allowed outright by the goal and statute, which have as a model the single family, extended family, or family plus hired workers. A communal farm does not fit the management paradigm envisioned by the goal and statute (see especially ORS 215.283(1)(f), recently amended to provide for primary and accessory dwellings).

The Hutterian Brethren propose to establish a community on approximately 50 acres, part of the 7,568 irrigated acres of the 8,854 acre tract. The community will include dwellings, a church, a school, a community building, and other structures necessary for agricultural activities. The purpose of the community is to actively engage in farming of the land. The irrigation water right may be able to be transferred to another part of the property, so that no loss, or minimal loss, of irrigated farmland is anticipated.

The types of reasons that may be used to justify certain uses not otherwise allowed on resource lands are identified in OAR 660-004-0022 Reasons Necessary to Justify an Exception Under Goal 2, Part 11(c):

> (1) For uses not specifically provided for in subsequent sections of this rule or OAR 660, Division 014, the reasons shall justify why the state policy embodied in the applicable goals should not apply. Such reasons include but are not limited to the following:
>
> (a) There is a demonstrated need for the proposed use or activity, based on one or more of the requirements of Statewide Goals 3 to 19; and either
>
> (b) A resource upon which the proposed use or activity is dependent

can be reasonably obtained only at the proposed exception site and the use or activity requires a location near the resource... or

(c) The proposed use or activity has special features or qualities that necessitate its location on or near the proposed exception site.

The exception is necessary because the proposed uses are not permitted outright under Goal 3 and the statute. The model envisioned by the Goal and statute involves a single family, extended family, or family with hired help rather than a communal farm. Nonetheless, the proposed community supports Goal 3, by preserving and maintaining high value farmland in commercial agricultural use.

The Hutterian community depends upon its agricultural endeavors for support and for employment. All adult members of the community (residents) will be either actively engaged in farming or in related activities that support the community, such as food preparation, maintenance of equipment, etc. Management of a 14 square mile farm requires presence on site, which is made possible by the residential nature of the community. The community can only be located on rural land, because it is a communal farm.

The Hutterian Brethren have particular religious beliefs, which separate them from other groups who might simply wish to "live on the land." Hutterites have chosen a rural and separate life for centuries. They have engaged in farming in the United States and Canada for many years, and have a proven model for their communities and agricultural enterprises. For Hutterites, the activity of farming, the independence of a rural lifestyle and location, and the separation from outside influences are important factors for maintaining their uniqueness and their religious beliefs. Stahl Hutterian Brethren, specifically, have operated a farm in the Ritzville area since 1980, when 5,000 acres was purchased. Stahl Hutterian now farms 16,000 acres.

The factors of this section are satisfied, as the proposed Hutterite community supports Goal 3, requires the rural location, and requires particular facilities to *maintain* religious beliefs within the community. The policy of Goal 3 is actively and unequivocally supported by the proposal.

Factor 2: "Areas which do not require a new exception cannot reasonably accommodate the use...."

A Hutterite community is a resource dependent use, requiring a location on agricultural land in order to establish a communal farm and to thereby *maintain* its religious values and its integrity as a separate community. A communal farm can hardly be located within a city, but requires a rural location.

Stahl Hutterian Brethren were looking for a suitable site in eastern Oregon and *Washington* for expansion as their Ritzville community prospered. Few large farms have been offered for sale, and few had the attributes the community desired, including soils suitable for agriculture and sufficient size to provide a buffer around the community to separate itself from adjacent communities and uses. The religious beliefs of the Hutterites require communal living within a self-contained community, with their own church and school. These facilities, in fact, form the heart of the Hutterite community.

Goal 3, with related statute and administrative rules, prohibit a church and school on high value farmland and would make it difficult to establish the type of dwellings necessary for the community's

religious beliefs. Therefore, any location chosen for the community on high value farmland would require an exception. Communal living and a communal agricultural enterprise are uses that were not anticipated by the goal and statute: No need was foreseen for a self-contained community, with shared religious beliefs, that might wish to *maintain* a separation from outside influences and to also manage an agricultural enterprise.

Most of the site has soils with a designation of Class II or better, with irrigation, and the entire tract is therefore considered high value. If the irrigation water right for the area of the community can be transferred to another part of the property, no useable high value farmland will be lost.

Therefore, the response to Factor 2 is that any EFU site with high value farm land would require an exception. However, the Hutterite community is unusual because their religious beliefs require communal living and separation from outside influences, with their own church and school. The commitment and success of Stahl Hutterian Brethren to commercial agricultural is beyond question, given their record since 1980 at their farm near Ritzville, Washington, and their major investment in the "Mikami Farm" near Stanfield and potato processing facilities in Boardman. Further, the Hutterian model for communal farming has been successfully utilized in both the United States and Canada for many years. Finally, if the irrigation water right is transferred, there will be minimal, or no, net loss of farmed land.

> *Factor 3: The long term environmental, economic, social and energy consequences resulting from the use at the proposed site with measures designed to reduce adverse impacts are not significantly more adverse than would typically result from the same. proposal being located in other areas requiring a Goal exception.*

Stahl Hutterian proposes no change in the use of the land for farming. Their intention is to improve the productivity at the property, and they have already begun to install new, more efficient irrigation systems and other equipment on the farm.

A Hutterian community has little need for automobile transportation, as it is self-contained to a large degree and members have no need or desire to leave. The Ritzville community, with approximately 100 residents and 22 dwellings, maintains only six pickup trucks for workers, three large sport/utility vehicles, and four vans, in addition to the vehicles required for farm operations such as tractors, harvesting equipment, etc. A similar number of passenger vehicles is anticipated at the Stanfield community. Therefore, the impact on Despain Gulch Road will likely be small and similar to that of other farms in the vicinity. Traffic on Despain Gulch Road is light at present, and should not be adversely affected by the proposed use.

The only change proposed on the farm is building a new community, with dwellings, a church, school, and community building. The community will occupy approximately 50 acres. It will require two municipal wells, for which new water rights will be required. It will require a wastewater disposal system, which will be engineered to comply with Department of Environmental Quality requirements and which will likely be similar to the facility approved by the State of Washington at the Ritzville community.

No change is proposed for the use of the site, i.e. irrigated agriculture, and no adverse impacts on farm activities on the site or on adjacent sites are identified. Stahl Hutterian

is willing to accept *conditions* of approval that require appropriate permits for wells and wastewater disposal; they intend to seek such permits in any case.

> *Factor 4: The proposed uses are compatible with other adjacent uses or will be so rendered through measures designed to reduce adverse impacts.*

The use of the site for irrigated agriculture will not change. In fact, the farm use at the site, along with its relative isolation, is what the Hutterians find desirable about the property. If the use of the site does not change, the proposed use is very likely to remain compatible with adjacent uses.

The site of the community is proposed for a portion of Circle 9, which is approximately one mile north of Despain Gulch Road. The site is located on a high point, to facilitate management of wastewater. A specific location for the wastewater treatment facilities has not yet been chosen, pending an engineering analysis and appropriate approval process. The separation of the community from Despain Gulch Road and other property boundaries means that it will be relatively unnoticed and have no impact on adjacent uses. Viewed from a distance, the community will appear to be a cluster of agricultural buildings similar to the storage sheds located at the farm entrance, immediately adjacent to Despain Gulch Road, and typical of buildings on other nearby farms.

No adverse impacts were identified in the consideration of Factor 3, therefore no measures to mitigate impacts are identified with the consideration of Factor 4.

(Ord. 2003-01, passed January 9, 2003)

UMATILLA ARMY DEPOT - UMATILLA COUNTY EXCEPTIONS

I. BACKGROUND INFORMATION

A. History of the Umatilla Army Depot

In 1940 the Army selected the 16,000-acre plot in northeastern Oregon that became the Umatilla Ordnance Depot (Depot). Ten months (January to October 1941), 7000 workers, and thirty-five million dollars later the prairie site was transformed into a complex of warehouses, munitions storage bunkers, shops and office buildings connected by a web of roads and railroad tracks. The Depot opened in 1941 with the mission to store, maintain and transfer a variety of military items, from blankets to ammunition. The Depot has supported multiple war efforts, including the Korean Conflict, Vietnam, Grenada, Panama, Operation Desert Shield, and Operation Desert Storm. Besides its conventional ammunition and general supply missions, the Depot was assigned a new mission in 1962 – receiving and storing chemical ammunition. Between 1962 and 1969, the Depot received various types of chemical ammunitions as one of six Army installations in the U.S. that stored chemical weapons.

In the mid-1980's, Congress directed the Army to dispose of the nation's aging chemical weapons stockpile. In 1988, the Umatilla Army Depot was placed on the Department of Defense Base Realignment and Closure (BRAC) list to review the future of the facility. It was decided that the base would remain open until the chemical stockpile at the Depot was destroyed. To accommodate this mission, the Umatilla Chemical Disposal Facility (UMCDF) was constructed in the northeastern portion of the site at a cost of about $700 million and destruction of the chemical ammunition stored at the Depot took place from 2004 – 2012. The 2005 BRAC round of announcements has the Umatilla Army Depot scheduled for closure after the incineration facility has completed its mission (including decontamination, decommissioning, and closure) in about 2014.

Representatives of Morrow and Umatilla Counties, Morrow and Umatilla Port Districts, the Confederated Tribes of the Umatilla Indian Reservation, and numerous state and local agencies have been involved with planning for future uses of the Umatilla Army Depot for more than twenty years. An initial planning effort for the Depot was completed in 1993 and was supported largely by the State of Oregon. The second planning effort was completed in 2010 and was supported largely by the Office of Economic Adjustment (Department of Defense). A brief overview of these two planning efforts is provided below. Links to the 1993 plan documents and the 2010 Redevelopment Plan documents are available on the Umatilla Army Depot Reuse Authority web site at http://www.umadra.com/histData1.html

B. Overview of 1993 Comprehensive Development Plan

After the Umatilla Army Depot was first placed on the BRAC list in 1988, Oregon Governor Goldschmidt appointed a task force to examine the impacts closure of the base would have on the local economy. The task force directed the preparation of a Comprehensive Development Plan for the Depot. The Oregon Economic Development Department, which had a vital interest in the economic redevelopment of the depot and its role in the future economic base of the region, provided coordination and management services for the task force. A consulting team, led by The Benkendorf Associates Corporation, was hired to

produce the Comprehensive Development Plan.

The task force determined that the plan for the Depot should be organized to achieve ten specific objectives:

1. Create as much employment as possible.

2. Maximize the long-term potential for reuse by carefully evaluating shorter term proposals for reuse.

3. Morrow and Umatilla counties should share in the benefit of reuse.

4. A clear understanding of the location and condition of the existing infrastructure must be identified.

5. A "Vision" for the future should be created.

6. To the extent possible, the plan should be economically viable.

7. The reuse strategy should be implementable.

8. Communicate the plan as a positive long-term opportunity for the region.

9. Encourage interim or phased reuse of the Depot properties.

10. Reuse proposals for the Depot should be responsive to the regional resource base.

The 1993 Plan was intended to allow for interim use while the Army continued its mission and it represented a first step by the task force to transition the 17,000 acre site from the Army's defense related use to civilian use.

The Executive Summary to the Plan noted:

"A smooth transition from military to civilian use of the Depot is of critical importance in order to maximize the economically efficient use of this valuable site and infrastructure. This transition may be facilitated by allowing, over time, an ever-increasing civilian presence, starting at the perimeters and working toward the core. This phased approach toward non-military use of the Depot has been referred to as "rolling back the fence."

Implementation of the 1993 Plan was delayed by several factors:

- The process for transferring military properties to civilian use has involved extensive levels of bureaucracy and cumbersome procedures. Some reuse factors could be controlled by the local community; others were outside its jurisdiction.

- Procedures for simplifying interim leases and transfer of parts of the Depot to civilian use were not amended to capture opportunities that were identified in the 1993 Plan.

- The required Army presence during the demilitarization of the stockpiled chemical ordnance on site.

- While the 1993 Plan was not implemented with land transfers, it did set the framework for the subsequent 2010 Redevelopment Plan. Many of the land use concepts that were included in the 1993 Plan (including Military Training, Wildlife Habitat and Industrial Development) are also reflected in the 2010 Redevelopment Plan, with some changes in emphasis.

C. Overview of 2010 Redevelopment Plan

Originally listed in the 1988 BRAC process, the Department of Defense ultimately recommended closure of the Umatilla Army Depot during the 2005 BRAC round of announcements - following completion of the chemical demilitarization operation.
In 2009, the Office of Economic Adjustment (OEA) of the Department of Defense provided financial support and guidance for preparation of a Redevelopment Plan for the Umatilla Army Depot. The LRA contracted with Dana Mission Support Team to complete the Redevelopment Plan.
The Redevelopment Plan outlined six overarching factors that govern the opportunities and limitations with respect to reuse at the Depot:

1. The state and national economy is recovering from a deep recession, and 1,170 individuals will lose their jobs or be relocated due to the pending closure of the Depot.

2. The Depot offers significant location and access advantages associated with transportation facilities (I-82 and I-84), but is isolated from any larger metropolitan population base.

3. The existing condition of the buildings and infrastructure at the Depot, with the exception of the Chemical Disposal Facility structures, is generally substandard.

4. The size and characteristics of the Depot site offers large-scale reuse opportunities generally in short supply elsewhere – including military training, habitat preservation, and certain types of large scale industrial and institutional uses.

5. Preservation of shrub-steppe habitat is a major environmental priority for the LRA.

6. The Oregon National Guard has a specific, immediate opportunity to develop a training facility.

The LRA established three overarching goals for the Redevelopment Plan within the context of the factors listed above:

- Military Reuse (accommodating the needs and plans of the Oregon National Guard)
- Environmental Preservation (with a special emphasis on the shrub-steppe habitat)
- Economic Development (job creation)

Key distinctions between the 1993 and 2010 plans for the Depot are highlighted below:

- The 2010 plan allocates a much larger portion of the site to military use relative to the 1993 plan.
- The 2010 plan allocates a smaller portion of the site to agricultural use.
- The 1993 and 2010 plans generally target similar areas for economic development uses (Industrial and Commercial). However, the 2010 plan identifies the UMCDF site for Industrial use – these facilities were constructed after the 1993 plan was prepared.

- The 1993 plan placed a greater emphasis on commercial and recreation uses.

- The Military Department treats the 2010 Plan as part of the proposed federal action for the installation. The Plan is important because the Military Department has used it to conduct the property disposal environmental analysis required by the National Environmental Policy Act (NEPA).

II. EXCEPTION

Under Oregon Administrative Rules (OAR) 660-004-0015(1), a local government approving an exception must adopt, as part of its comprehensive plan, findings of fact and a statement of reasons that demonstrate that the standards for an exception have been met. This section of the report has been prepared to serve as findings of fact and a statement of reasons to support exceptions to Goals 11 and 14 for the areas identified for Depot Industrial zoning. The LRA asks that the County reference or incorporate this document into its comprehensive plan as its findings of fact and statement of reasons in support of the application.

A. Overview of Umatilla County Exception Areas

There are three discrete exception areas identified for industrial development in the Umatilla County portion of the Depot. For all three areas, Umatilla County is taking exceptions to Goals 11 (Public Facilities and Services) and 14 (Urbanization) to allow urban-scale industrial uses and supporting facilities and services. Goal 3 includes the following definition of agricultural land:

> "Agricultural Land in western Oregon is land of predominantly Class I, II, II and IV soils and in eastern Oregon is land of predominantly Class I, II, II, IV, V and VI soils as identified in the Soil Capability Classification System of the United States Soil Conservation Service, and other lands which are suitable for farm use taking into consideration soil fertility, suitability for grazing, climatic conditions, existing and future availability of water for farm irrigation purposes, existing land use patterns, technological and energy inputs required, or accepted farming practices."

Exceptions to Goal 3 (Agricultural Lands) are not required for any of the three subareas in Umatilla County. As shown below, soils in all three subareas are predominantly Class VII. The Depot site is not served by an irrigation district and the site is also within the boundaries of two Critical Groundwater Areas (Ordnance Basalt and Ordnance Alluvial) designated by the Oregon Department of Water Resources. New water rights are not permitted in the CGWA's. Further, the site has not been farmed in the more than 70 years of Federal ownership and operation and it has not functioned as part of the "commercial agriculture enterprise" of the area. Therefore, the site does not meet the definition of "agricultural lands" and exceptions to Goal 3 are not required to apply Depot Industrial zoning to Subareas 1, 2 or 3.

DEPOT SUBAREA SOILS

Depot Industrial Subarea	Predominant Soil Name, Unit Number, Description	Land Capability Class Dry	Land Capability Class Irrigated
Subarea 1	76 B: Quincy loam fine sand, gravelly substratum	7e	Non-irrigated
Subarea 2	14B: Burbank	7e	Non-irrigated
Subarea 3	74 B: Quincy	7e	Non-irrigated
Soil Survey of Umatilla County Area, 1989, NRCS. The "e" suffix defines erosion prone soils.			

Table 18-6 – Deport Subarea Soils

This application includes findings to support "reasons" exceptions to Goals 11 and 14 to allow urban scale industrial uses and supporting public facilities for Subareas 1, 2 and 3. It is noted that both subareas 2 and 3 contain a level of existing industrial development that commits both subareas to industrial uses. However, because the level of that industrial development is not predominantly urban in scale, Goal 14 and 11 exceptions are required to allow urban scale industrial uses and supporting public facilities.

The Goal 14 administrative rule provides for "reasons" exceptions for proposed urban uses on rural lands. The applicable standards are those in OAR 660-014-0040. The standards are addressed below, with findings provided for the three subareas.

B. Exception Requirements for Reasons Exceptions (Goals 11 and 14)

OAR 660-014-0040 governs reasons exceptions. Under this rule, a county may provide facts and reasons to justify an exception to Goal 14 to allow urban uses on undeveloped rural lands. Those reasons may include, but are not limited to, findings that an urban population and urban levels of facilities and services are needed to support an economic activity that is dependent upon an adjacent or nearby natural resource. Also under this standard, a county must demonstrate that the proposed urban development cannot reasonably be accommodated in or through expansion of existing urban growth boundaries. Further, it must show that the long term economic, social, environmental and energy consequences resulting from urban development at the proposed site with measures designed to reduce adverse impacts are not significantly more adverse than would result from the same proposal being located on other undeveloped rural lands; that the proposed urban uses would be compatible with adjacent uses; and that the uses can likely be timely and efficiently served with appropriate levels of public facilities and services.

The applicable legal standards in OAR 660-014-0040 are addressed below.

660-014-0040(1): *"As used in this rule, 'undeveloped rural land' includes all land outside of acknowledged urban growth boundaries except for rural areas committed to urban development. This definition includes all resource and nonresource lands outside of urban growth boundaries. It also includes those lands subject to built and committed exceptions to Goals 3 or 4 but not developed at urban density or committed to urban levels of development."*

Findings for All Subareas: Subareas 1, 2 and 3 all meet the definition of 'undeveloped rural land.' All three subareas are located outside of acknowledged urban growth boundaries. While Subareas 2 and 3 are committed to industrial uses, they are not generally committed to urban levels of

development. Subarea 1 is not committed to development.

OAR 660-014-0040(2): *"A county can justify an exception to Goal 14 to allow establishment of new urban development on undeveloped rural land. Reasons that can justify why the policies in Goals 11 and 14 should not apply can include but are not limited to findings that an urban population and urban levels of facilities and services are necessary to support an economic activity that is dependent upon an adjacent or nearby natural resource."*

Findings for Subarea 1: Subarea 1 encompasses approximately 884 undeveloped acres located in the southeast corner of the Umatilla Army Depot at the junction of I-82 and I-84. The L-shaped configuration of this exception area will provide immediate access to the interstate system via existing interchanges to I-82 on the east and I-84 on the south.

Subarea 1 is recognized as the key opportunity site for industrial development on the Depot site – and it is one of the best sites for distribution/warehouse/logistics uses in the region and the state for the following reasons:

- Unique location at the confluence of two interstate freeways. There are only seven locations in Oregon where interstate freeways/connecting loop freeways intersect – and six of them are in the Willamette Valley with surrounding lands largely developed.

- In addition, this site has immediate accessibility to existing interchanges to each freeway.

- The two interstate highways adjoining this area serve a large, multi-regional and multi state area and provide direct freighting opportunities for intensive levels of industrial development. As such, the interstate facilities can support industrial activities far beyond what would commonly be found in a rural area. The highways serving this area serve an area extending from Seattle, Vancouver BC and Spokane to the north to Portland to the west, Boise and Salt Lake City to the east, and northern California to the south.

- Large, level site with more than 800 acres under a single ownership – the largest undeveloped site at the junction of two interstate freeways in Oregon.

- Proximity and accessibility to other transportation modes to support industrial uses and freight movement, including UP rail facilities and the nearby Hinkle yard, and Port shipping facilities on the Columbia River.

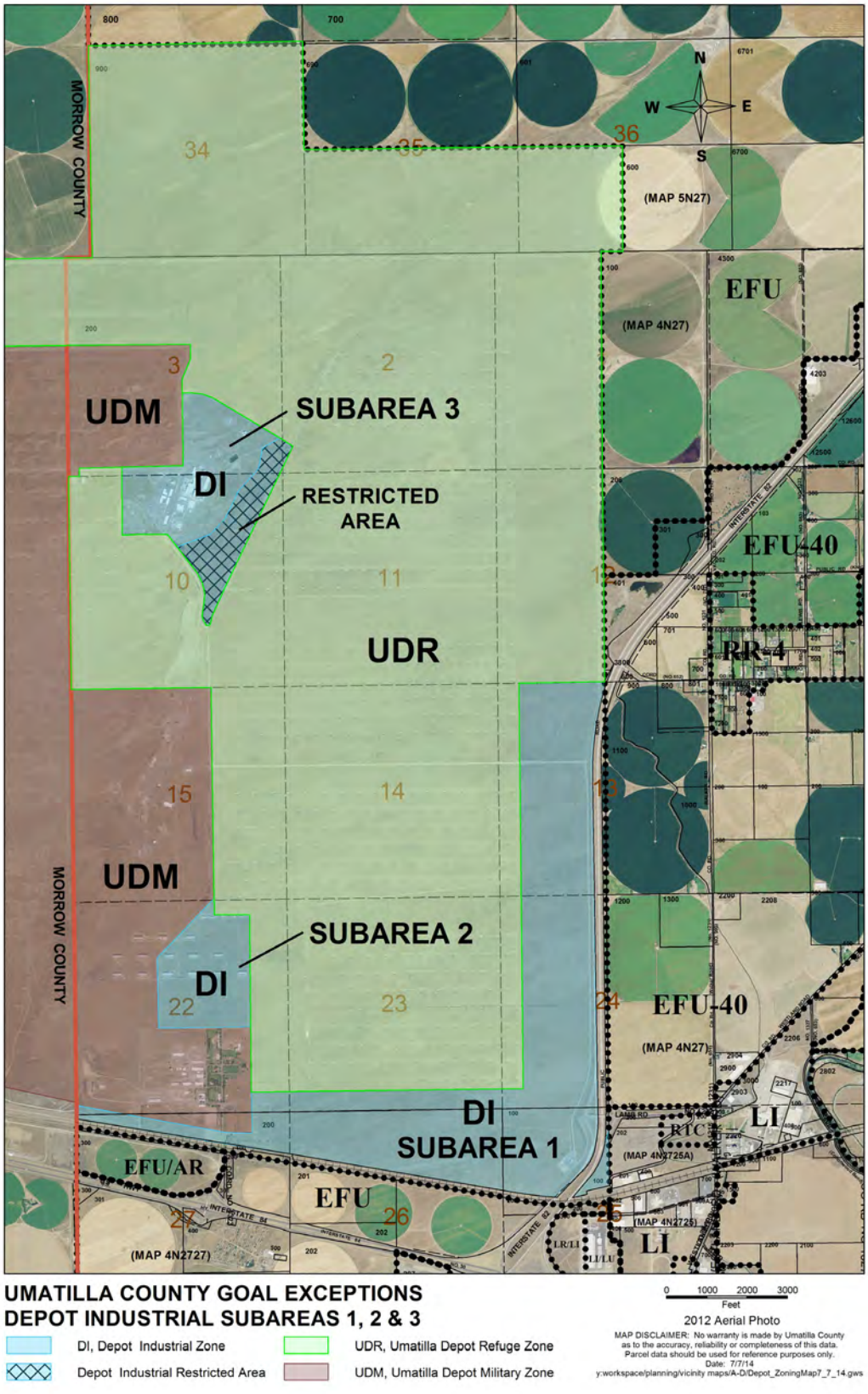
- Proximity to nearby communities (Hermiston, Umatilla, Boardman, and Irrigon) with available residential land, housing and other services to support industrial jobs at this location.

The reasons justifying future development of urban scale industrial uses and public facilities sized to serve these uses in Subarea 1 are set out in numerous plans prepared for the Depot site, including but not limited to the 1993 Comprehensive Development Plan, the 2010 Redevelopment Plan, and the more recent Development Feasibility Analysis and Land Use Analysis. The Goal 14 exception is taken because the size of future industrial buildings could and is expected to exceed the size authorized on rural lands without goal exceptions under established LCDC

practice (typically limited to 35-40,000 square feet).

Therefore, the unique "resource" that is available at this location to warrant designating the area for urban-level industrial use is the transportation infrastructure. The site is also located in close proximity to nearby communities with lands designated for housing and supporting uses that could support the development of jobs at this location.

The local communities in Morrow and Umatilla Counties have consistently supported economic development efforts, and have expressed a desire to enhance the area's portfolio of industrial and employment lands to support job creation. The Umatilla Depot properties have been specifically targeted for evaluation to support that objective. The Regional EOA articulates the following community vision and project objectives for the land use and economic analysis (Regional Economic Opportunities Analysis, prepared by Johnson Reid, June 2013.):



Map 18-92 – Umatilla County Goal Exceptions: Depot Industrial Subareas ,1 2 and 3

Community Vision – To build a strong and thriving regional economy by establishing and actively maintaining a competitive portfolio of developable employment sites, seeking opportunities to capitalize on the area's locational advantages and coordinating public investments, policies, and regulations to support regional and State economic development objectives.

Project Objectives

- To create and manage a regional supply of vacant, developable large-lot industrial sites to accommodate stable, family-wage employment opportunities and support regional economic development.

- To organize, coordinate, promote and implement this regional industrial land strategy at a collaborative regional level.

- In 2003, Governor Kulongoski's Industrial Lands Advisory Committee identified 25 industrial sites "of statewide significance for job creation" in Oregon. A common feature of these sites was their proximity to an interstate freeway or major freeway interchange. Shute Road in Hillsboro was deemed highly desirable for high tech development because of its immediate proximity to US 26. Similarly, sites in Albany and Medford were identified based in large measure on their proximity to I-5, and a site in Baker City was identified based on its location along I-84. Here, Subarea 1 has immediate proximity not to just one interstate highway, but two: I-84 and I-82. It also has convenient access to rail (Union Pacific) and water (Columbia River). Those same features caused the Governor's Task Force to identify the Hermiston Industrial Park in Hermiston as another of the 25 Oregon sites of statewide significance for job creation. At that time, of course, Subarea 1 was not available for private industrial development. But with its features and more than 800 acres in a single ownership, Subarea 1 may be even more suitable than Hermiston to meet the state's economic development needs. Given these circumstances, exceptions to Goal 14 and Goal 11 to allow urban scale industrial uses and supporting facilities are warranted.

Findings for Subarea 2: Subarea 2 encompasses 129 acres. There are eight brick warehouses (Series 400 Magazine Buildings) within the boundary of Subarea 2. Each warehouse building is 11,227 square feet. The 400 series buildings were designed and constructed according to military base structural standards in the early 1940's. These "magazine" buildings were designed to blow outward in the event of munitions explosion. All 400 series buildings have rotating ventilating roof vents. Some of the Series 400 warehouses have been refurbished and are used for storage. Vehicle access to Subarea 2 is available through the secured main gate and entry to the Administration Area that will be transferred to the Oregon National Guard. This entry road connects with I-84 via the existing Army Depot interchange.

The American Red Cross currently uses at least five concrete igloos on the Depot site for storage of emergency supplies. The Red Cross has been coordinating with the LRA and intends to consolidate and expand this use into storage warehouse(s) located in Subarea 2.

The Depot is one of only three Red Cross disaster field supply centers on the West Coast (the others are in Reno and Los Angeles). The agency is refining its focus and hoping to boost its stores at the depot to be ready for a major disaster. The Red Cross is working with Oregon Emergency Management and the Federal Emergency Management Agency to make sure enough emergency supplies and trained volunteers are in place should an earthquake and tsunami hit.

That's a possibility underscored by the presence of the Cascadia Subduction Zone, a 750-mile long earthquake fault 50 to 150 miles off the coast. Researchers believe a significant quake and tsunami could kill 5,000 people in Oregon, injure 8,000 and cause $12 billion damage, including the destruction of 30,000 buildings (May 25, 2012 Oregonian article, "Umatilla Chemical Depot Transportation Include Red Cross Supplies.").

By utilizing existing warehouse(s) in Subarea 2 for storage of emergency supplies, the Red Cross also has opportunities to partner with the Oregon National Guard to load and transport supplies in the event of an emergency or natural disaster.

Umatilla County proposes to include Subarea 2 in a new Depot Industrial Zone. Specific uses allowed in Subarea 2 will be limited to warehouse and distribution uses. OAR 660-022-0040(11) allows new or expanding industrial uses in unincorporated communities without goal exceptions if they are small scale, low impact uses, defined as uses in a building or buildings not exceeding 40,000 square feet of floor space in rural unincorporated communities. Outside of unincorporated communities, industrial uses in buildings 35,000 square feet or smaller have been considered to be rural in scale. Therefore, the existing brick warehouses in Subarea 2 are small enough to be considered rural in scale and do not necessarily require exceptions to Goals 11 and 14. However, the warehouse structures were constructed in the 1940's, and when this area is transferred out of federal jurisdiction, the LRA would like to have the flexibility to demolish and replace the warehouses with larger buildings in the future if there is a market demand or if a user such as the Red Cross wants to develop new, larger storage warehouses in this area.

The proposed Depot Industrial Zone limits uses in Subarea 2 to warehouse and distribution uses. However, the zone does not include a maximum size limitation for individual buildings. Umatilla County has been successful in attracting industrial development and jobs to this region in large part because of the positive economic climate and attitudes. This includes being nimble and trying to avoid too many restrictions on industrial development.

The size of warehouse buildings constructed in an earlier era to meet the Army's uses shouldn't be used to restrict future development of modern warehouse and distribution buildings that typically exceed 35,000 square feet. For example, the Fed Ex freight hub recently constructed to the northeast side of the intersection of I-84 and I-82 included construction of a 97,280 square foot building. Umatilla County approved exceptions to Goals 3 and 14 to accommodate the Fed Ex facility on the 32.5 acre site in 2010.

In summary, Subarea 2 has been developed and committed to "industrial" types of uses (warehousing, storage, freight movement, etc.) since initial construction of the Umatilla Army Depot in the early 1940's. While the existing buildings and

development are not clearly "rural" or "urban" – Umatilla County is proceeding with reasons exceptions to Goals 11 and 14 for Subarea 2 to provide the opportunity and flexibility for appropriate reuse of this area for development that is consistent with the new Depot Industrial zone. Because Subarea 2 is bounded on three sides by the area that will be transferred to the Oregon National Guard – the Depot Industrial zone only allows warehouse and distribution uses in this exception area. Therefore, the uses that will be allowed in the exception area are "limited" – but exceptions to Goals 11 and 14 are justified to provide the flexibility for future development of warehouse buildings larger than 40,000 square feet.

Findings for Subarea 3: Subarea 3 includes a total of 265 acres. However, approximately 81 acres of Subarea 3 (Coyote Coulee) will be subject to deed restrictions that limit land disturbance. The soils and topography in the coulee are not suitable for agriculture but the area is valuable for wildlife habitat. It has been included in the proposed exception and Depot Industrial zone boundary because it falls within the area subject to on-going monitoring as a condition of the DEQ permit for the Umatilla Chemical Disposal Facility (UMCDF). Therefore, the LRA – in consultation with the Confederated Tribes – has determined that the 81 acre "restricted area" should be consolidated with the Depot Industrial parcel rather than the designated Wildlife Habitat area, even though it will not be available for industrial development under the deed restriction.

Therefore, the findings for exceptions to Goals 11 and 14 for Subarea 3 focus on the 184 acre area that is developed or committed to development.

The UMCDF and supporting roads and development are located in Subarea 3.

Construction of the UMCDF began in 2004 to provide the incineration systems and support facilities for the purpose of disposing of chemical weapons.
Present value estimates of the UMCDF exceed $700 million, and the potential value to the community in terms of employment and tax revenues is significant.

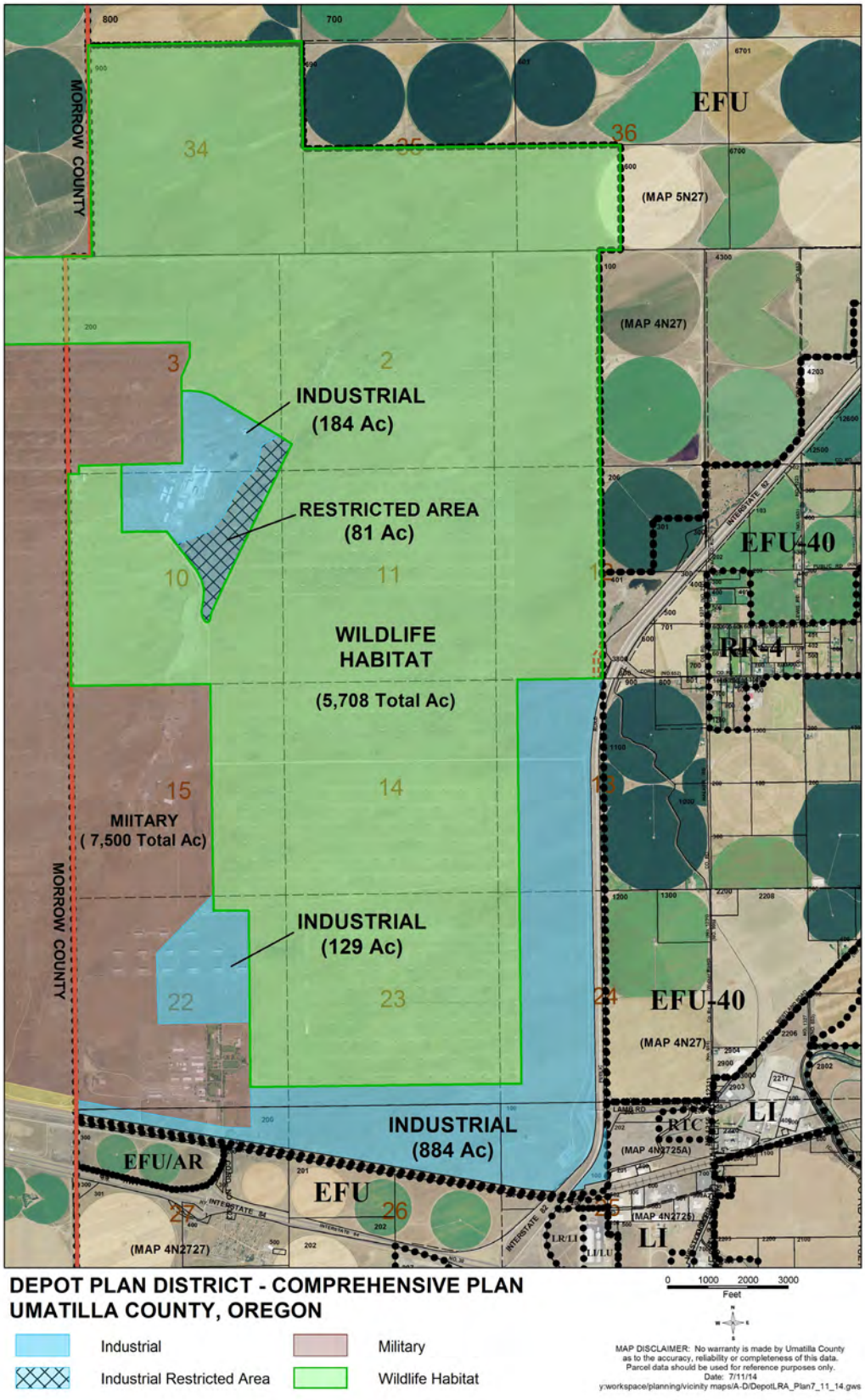
Structures

The UMCDF list of structures includes the following, some of which exceed 35,000 square feet (Section A Redevelopment Plan, Part 2.3 Infrastructure Assessment, July 29, 2010):

- Personnel Support Building
- Munitions Demilitarization Building
- Maintenance Building
- Pollution Abatement System
- Exhaust Filtration System
- Utility Building
- Laboratory
- Container Handling Building
- Offices (10 office complexes with interconnecting manufactured units)
- Water Tanks Switchyard

UMCDF Electrical Distribution System

The UMCDF footprint is fed from a Umatilla Electric Cooperative substation that is receiving 12.5 KVA from both their Boardman feed and Umatilla feed to ensure backup power should one of the feeds fail.



Map 18-93 – Depot Plan District – Comprehensive Plan, Umatilla County, Oregon

Natural Gas

There is a 4 inch natural gas line approaching the UMCDF from the northeast corner of the Depot. Pressures are reduced from 800 psi to required usage pressure. The capacity of the natural gas system could meet the needs of a small town (216 million BTU/hr).

UMCDF Storm Water and Waste Water Systems

The UMCDF footprint contains an independent storm water system with a collection pond that is totally independent of the Umatilla Depot system. The UMCDF footprint also contains an independent waste water system, which is a septic system that is totally independent of the Umatilla Depot system.

Parking Areas & Access

There are five designated parking areas surfaced with gravel. The designated parking areas accommodate parking of approximately 800 vehicles. The +1,000 employees involved with the construction and operation of the UMCDF facilities access the site via an on-site gravel access road that extends west and north from the existing interchange to I-82 through the proposed habitat area to the secured UMCDF area.

Fire Alarm, Security, Telephone and Communications Systems

Each of the main buildings in the UMCDF footprint is connected internally with both smoke and security systems. Critical areas like the document control center also are protected with dry water sprinkler systems. All fire and security equipment is current, updated and maintained on a regular scheduled basis by UMCDF maintenance personnel and subcontractors.

Currently the UMCDF site has approximately 1000 telephone and data lines in use with an upgrade capability of up to 69,000 telephone and data lines. The telephone and data interconnect to the Umatilla and Boardman telephone service centers. There is a communications tower on the UMCDF footprint with a radio antenna and repeater systems.

Clearly, the structures and supporting infrastructure developed for the Umatilla Chemical Disposal Facility starting in 2004 qualify Subarea 3 as a "physically developed" industrial area. The types of land use categories that would be permitted in the new Depot Industrial Zone are listed in Table 1 of the zone. The following use categories are specifically called out as permitted uses for Subarea 3, subject to standard Umatilla County Zoning Ordinance provisions for Design Review and issuance of a zoning permit:

- Industrial Service
- Manufacturing and Production
- Warehousing and Freight Movement
- Wholesale Trade
- Trade or Commercial Schools
- Basic Utilities

In summary, the extent of physical development (structures) and supporting infrastructure constructed for the UMCDF chemical disposal mission has clearly committed 184 acres of Subarea 3 to "industrial" type development. The abutting portion of Coyote Coulee (81 acres) is not developed, but it is included in the exception area boundary because of long-term requirements for monitoring in this area associated with the DEQ air quality permit for the chemical disposal facility. Deed restrictions will limit land disturbance in this 81 acre area.

The UMCDF site and Subarea 3 are the most recently and intensively developed areas on were all constructed within the last ten years and there has been a recent and significant investment in infrastructure, including but not limited to electric power facilities, natural gas and communication facilities. Many of the existing buildings are clearly committed to urban uses and urban level of development rather than the 35-40,000 square foot building size typically considered "rural" under Goal 14. More than 1,000 employees worked at the UMCDF as the stockpiled chemical weapons were incinerated. This level of employment at a single industrial site is of a scale that would reasonably be considered "urban" in terms of employment densities.

The incinerator building will be demolished as a condition of the DEQ permit following final decontamination, decommissioning, and closure in 2014 or later. Even when this large building is removed, the substantial infrastructure and other improvements constructed to support the UMCDF make Subarea 3 very attractive for urban scale industrial uses, and exceptions to Goals 11 and 14 are justified on the basis of existing development.

Once the Army has completed all the required decommissioning and closure activities at the UMCDF, Subarea 3 is anticipated to be available as a part of the overall "economic development" transfer of Depot property to the LRA and transition to new urban industrial uses. At an Industrial Lands Forum held on March 14, 2013 to support the Regional Economic Opportunities Analysis, participants discussed potential economic development opportunities for the Depot site. The UMCDF site was identified as an area that was uniquely attractive for specific industrial uses, including but not limited to data centers. the entire Umatilla Army Depot site. The structures

As summarized in the Regional EOA, data centers are an emerging economic engine in Oregon bringing significant capital investment to regional communities. Over the next decade, firms and individuals are expected to continue the trend of moving their digital storage away from on-site solutions toward cloud-based systems. This trend is expected to drive an accelerated demand for data center storage. It is predicted that hundreds of data centers will be sited in the coming decade. While the economic contributions of data center development are largely limited to short-term construction jobs, the investment in real capital and equipment is a positive for local tax rolls.

The local region has already exhibited success in the recruitment of data center development, such as the Amazon facilities on Port of Morrow and Port of Umatilla properties.

General site requirements for data centers are summarized in the Regional EOA as follows:

Access to Current and Future Power Sources: Data centers require significant amounts of power, as well as high quality transmission. Any power failures are highly costly. Access to more than one power grid improves marketability. Stability and affordability of future power pricing is also essential.

Natural Risk: Data centers will not locate in areas susceptible to natural disaster. This limits the marketability of some areas in the

county, most notably hurricane risk in the Gulf States and Southeastern Seaboard, and tornado risk in the Great Plain States. The primary natural risks in the Morrow/Umatilla County region are drought, range fires and volcanic ash fallout.

Cooling and Climate: Data centers generate heat, and cooling is an essential function of the facility. Data centers are increasingly being attracted to moderate desert climates, where systems are being designed to capture cool nighttime air.

Security: Data centers typically want to be inconspicuous. Further, regulations sometimes require that data is physically stored in the region from which it is collected. Data centers require low levels of visibility, and prefer a buffered site with some isolation.

Umatilla County finds that Subarea 3 is an appropriate and suitable area for future development of data center(s), based on the site requirements outlined in the Regional EOA. While the County is not proposing to limit future industrial development in Subarea 3 to this single use, there are valid reasons to designate this site to accommodate data centers and other appropriate industrial uses, without restrictions on building size.

OAR 660-014-0040(3) (a): *"To approve an exception under section (2) of this rule, a county must also show:*
(a) That Goal 2, Part II(c)(1) and (c)(2) are met by showing that the proposed urban development cannot be reasonably accommodated in or through expansion of existing urban growth boundaries or by intensification of development in existing rural communities.

Findings for Subareas 1: The Depot site is not contiguous with the urban growth boundaries of any nearby cities (Hermiston, Boardman, Irrigon or Umatilla). Additionally, there are no designated rural communities in the vicinity of the Depot site. Further, in a letter sent to the LRA on April 27, 2010 – staff with DLCD stated: *"…It does not appear that any portion of the Depot property is eligible for inclusion in an urban growth boundary at this time."*

The Depot Industrial zoning recommended for Subareas 1 is not based on a specific "need" for urban industrial land within Umatilla County or within the UGB's of nearby cities. Umatilla County has zoned thousands of acres for industrial development and the Port of Umatilla has been successful in leveraging the large industrial lands inventory to attract a diverse array of industrial users to the County. As shown in the Regional Economic Opportunities Analysis, June 2013, Umatilla County has zoned approximately 1,785 acres of unincorporated land for industrial development within 3 miles of interchanges to I-84. The majority of the designated industrial sites encompass parcels 50 acres and larger. Zoning designations include Heavy Industrial (HI) and Light Industrial (LI) zones. In addition to this county inventory, the cities of Umatilla, Hermiston, Stanfield and Pendleton have a combined inventory of 2,389 acres zoned for industrial uses within 3 miles of an interstate interchange.

There are no sites available within or adjacent to the acknowledged UGB's that include +800 undeveloped acres under single ownership or that have immediate access and visibility to two interstate freeways. Subarea 1 is a unique site – with land and location characteristics that are not

replicated anywhere in the region or the start.

In planning for future uses of the Depot site, local and regional leaders have attempted to be proactive and plan for and target specific uses that are most appropriate for the Depot site. Subarea 1 has been targeted as the area of the Depot that is uniquely suited to development of warehouses, distribution centers and intermodal facilities.
Many truck and truck-rail intermodal facilities are located in urban areas. Over time, due to growth in freight volumes and growth of surrounding development, these facilities often become capacity constrained, and efficient operations are hampered by congestion and encroachment on freight facilities and corridors. One response to this problem has been to relocate the facilities to sites where capacity can be expanded and the transportation infrastructure is relatively uncongested.

A prime example of relocation out of the central Chicago area is the "brownfield" redevelopment of the abandoned Joliet Arsenal site and surrounding areas into an intermodal hub (Envision Freight Case Study: The Relocation of Intermodal Facilities, 2007.). The Joliet Arsenal site is located near two interstate highways and is served by two major railroads, BNSF and Union Pacific (UP). The lynchpins of this development are the Center Point Properties' intermodal centers at Elwood and Joliet. These facilities are located about 40 miles southwest of downtown Chicago, near the intersection of Interstate highways I-80 and I-55. Synergies resulted in this development from the co-location of multiple freight facilities, such as transportation, warehousing, distribution, cross-docking, and container storage. The co-location of these facilities and proximity to the interstate highways also results in substantial drayage savings and more efficient utilization of trucking resources.

On March 14, 2013 – APG and Johnson Reid organized an industrial land forum at the Port of Morrow to discuss the Regional Economic Opportunities Analysis and potential economic development opportunities for the Depot site. A great deal of discussion surrounded the site's potential (particularly the southeast portion of the site) as a regionally-scaled logistics hub. The site's assets and characteristics drew comparisons to Illinois' BNSF Logistics Park outside Chicago described above.

The general site requirements for logistics / distribution centers and traditional warehouse/distribution facilities are summarized in the Regional EOA (page 27) as follows:

Logistics/Distribution
Large distribution centers reflect the principles of internal economies of agglomeration. Larger supportable scales equate to lower marginal operating costs. There are a variety of different logistics configurations, ranging from port-centric to logistics parks. A logistics park specifically is a planned agglomeration of distribution and light manufacturing uses. Transportation costs are typically the predominant factor; therefore, significantly scaled logistics sites require diverse multi-modal transportation linkages. This generally refers to multiple Class 1 rail lines, proximity and access to water or air linkages, as well as interstate highway linkages. The extent to which a site can serve a range of major population centers impacts how marketable it is.

The scale of these facilities necessitates exceedingly large sites, generally over 500 acres is necessary to justify infrastructure investments. Due to their space

requirements, logistics oriented firms are highly sensitive to availability and costs of land. Other critical factors include adequate infrastructure, tax incentives, and commitments or presence of anchor tenants. A strong anchor tenant brings expertise, provides synergy to the project, and sends a positive signal to the market.

Traditional Waterhouse/Distribution Facilities

The region has clearly demonstrated a capability to attract and support single and multi-tenant distribution facilities, which do not require the scale of a logistics center. These uses are expected to represent a significant portion of future industrial space demand in the region.

As described earlier, the use categories for the Depot Industrial Zone have been tailored to the unique characteristics and opportunities of the three discrete exception areas (Subareas 1, 2 and 3).

As the largest subarea with the best visibility and proximity to the interstate freeways and existing interchanges – the permitted use categories are the broadest for Subarea 1:

Depot Industrial Zone – Permitted Use Categories in Subarea 1

Industrial Service	Manufacturing and Production
Warehousing and Freight Movement	Wholesale Trade
Trade or Commercial Schools	Waste-Related
Retail and Service Uses (with Limitations)	Basic Utilities

Table 18-7 – Depot Industrial Zone – Permitted Use Categories in Subarea 1

The Depot Industrial Zone also requires that a generalized master plan be prepared for Subarea 1 prior to development to address subarea circulation, infrastructure location and buffering issues on a coordinated basis.

The Depot Industrial Zone also includes the provision that… *"A maximum of 5 percent of the total acreage within the Depot Industrial Zone may be allocated to retail and service uses that are appropriate and necessary to serve the needs of the workers employed within the Depot Industrial Zone, with a secondary purpose of serving highway travelers."* This provision could result in up to 60 acres of retail and service uses and is consistent with and supportive of discussions with DLCD staff regarding the Regional Economic Opportunities Analysis (REOA) and the Transportation Planning Rule (TPR) requirements. DLCD staff reinforced this level of retail when they pointed out that a recent revision to the TPR accepted industrial zoning that allows up to 5% subordinate retail within the zone as being compliant with the TPR (660-012-0060 (11)(a)). Staff indicated in a letter that, based on this revision …" *the department would accept an industrial zone allowing up to 5% subordinate retail."*

In summary, the scale of urban industrial uses proposed for Subarea 1 cannot reasonably be accommodated in or through expansion of existing UGB's or by intensification of development in designated rural communities because the County is focused on leveraging the unique and substantial transportation infrastructure and site characteristics that exist at this specific location. Again, it is noted that this site is not agricultural land and that, with its conversion from federal land to other ownership, it must be planned designated and zoned as provided for in ORS 197.175. Given subarea 1's history, an industrial zone is the most appropriate zone for this area. This exception is taken to allow such development to occur in buildings that exceed 35,000 square feet in size.

Findings for Subareas 2 and 3: No portion of the Depot site is contiguous with an existing UGB or existing rural community. Further, in a letter sent to the LRA on April 27, 2010 – staff with DLCD stated*: "…It does not appear that any portion of the Depot property is eligible for inclusion in an urban growth boundary at this time."* (Email from Tom Hogue, Economic Development Specialist, Department of Land Conservation and Development, June 17, 2013 to Jon Jinings, Jerry Johnson and Mary Dorman.)

The Depot Industrial zoning recommended for Subareas 2 and 3 is not based on a specific "need" for urban industrial land within Umatilla County or within the UGB's of nearby cities. Umatilla County has zoned thousands of acres for industrial development and the Port of Umatilla has been successful in leveraging the large industrial lands inventory to attract a diverse array of industrial users to the County. The Regional Economic Opportunities Analysis, June 2013, Umatilla County has zoned approximately 1,785 acres of unincorporated land for industrial development within 3 miles of interchanges to I-84. The majority of the designated industrial sites encompass parcels 50 acres and larger. Zoning designations include Heavy Industrial (HI) and Light Industrial (LI) zones. In addition to this county inventory, the cities of Umatilla, Hermiston, Stanfield and Pendleton have a combined inventory of 2,389 acres zoned for industrial uses within 3 miles of an interstate interchange.

In planning for future uses of the Depot site, local and regional leaders have attempted to be proactive and plan for and target specific uses that are most appropriate for the Depot site.

Subarea 2 is bounded on three sides by the area that will be transferred to the Oregon National Guard – the Depot Industrial zone only allows warehouse and distribution uses in this exception area. Therefore, the uses that will be allowed in the exception area are "limited" – but exceptions to Goals 11 and 14 are justified to provide the flexibility for future development of warehouse buildings larger than 40,000 square feet. As noted earlier, the American Red Cross currently uses at least five concrete igloos on the Depot site for storage of emergency supplies. The Red Cross has been coordinating with the LRA and intends to consolidate and expand this use into storage warehouse(s) located in Subarea 2.

Subarea 3 and the UMCDF site has been targeted as an area that is particularly well-suited to data centers or other industrial uses that can leverage the substantial power and other infrastructure that is available. The Depot Industrial zoning proposed for

Subarea 3 this site will allow the following categories of industrial uses:

- Industrial Service
- Manufacturing and Production (includes data center and call centers)
- Warehousing and Freight Movement
- Wholesale Trade
- Trade or Commercial Schools
- Waste-Related Uses (conditional use)
- Basic Utilities (including power facilities)

In summary, the uses proposed for Subareas 2 and 3 cannot reasonably be accommodated in or through expansion of existing UGB's or by intensification of development in designated rural communities because the County is focused on leveraging the substantial infrastructure that exists at this specific location, outside of the UGBs. Subareas 2 and 3 have been developed and committed to "industrial" types of uses since initial construction of the Umatilla Army Depot in the early 1940's. While the existing buildings and development are not clearly "rural" or "urban" – Umatilla County is proceeding with reasons exceptions to Goals 11 and 14 for both subareas to provide the opportunity and flexibility for appropriate reuse of this area for development that is consistent with the new Depot Industrial zone.

OAR 660-014-0040(3) (b): *"To approve an exception under section (2) of this rule, a county must also show: * * *.*
"(b) That Goal 2, Part II(c)(3) is met by showing that the long-term environmental, economic, social, and energy consequences resulting from urban development at the proposed site with measures designed to reduce adverse impacts are not significantly more adverse than would typically result from the same proposal being located on other undeveloped rural lands, considering:
"(A) Whether the amount of land included within the boundaries of the proposed urban development is appropriate; and
"(B) Whether urban development is limited by the air, water, energy and land resources at or available to the proposed site, and whether urban development at the proposed site will adversely affect the air, water, energy and land resources of the surrounding area.

Findings for Subareas 1, 2 and 3: The UMCDF was developed to meet a specialized military mission – destruction of stockpiled chemical weapons. Construction, operation, and future de-commissioning and monitoring are heavily regulated by numerous state and federal agencies, including but not limited to EPA and Oregon DEQ. Industrial development in the Depot Industrial exception area (Subarea 1) would not be limited by or adversely affect air, water, land or energy resources at or near the site. The air shed at the Depot site is not identified as in violation of any air quality regulations. The various missions and activities at the Depot have resulted in releases of contaminants to the environment in portions of the installation. Environmental remediation and investigation have been taking place since the 1980's and the entire facility has been thoroughly examined and environmental issues have been largely resolved (Umatilla Chemical Depot Site Assessment Report, May 2, 2006). Additionally, Subarea 1 has largely served as a "buffer area" for the Depot and has not had the environmental clean-up issues faced in other areas of the site. There is no surface

water on the Depot due to the small amount of precipitation and the porous soils. The Depot site is within two of the four critical groundwater areas in the Umatilla River Basin designated by Oregon Water Resource Department in 1976. Umatilla County is not targeting large water users (such as agricultural processing plants) for this exception area. Instead, Subarea 1 will be targeted and marketed to attract and accommodate freight distribution, warehouse and logistics uses that can leverage the unique access to transportation facilities.

On a statewide basis, very close and convenient freeway access has been consistently identified as a primary consideration in determining if sites were of "statewide significance for job creation." The locational advantages of the Subarea 1 exception area with its virtually immediate access to two interstate freeways is about as good as it gets for major warehousing and distribution companies serving central and eastern Oregon, Washington, Idaho and northern California. Given this, building size should not be an obstacle to the siting of such uses at this location. The amount land in Subarea 1 is appropriate given the location of existing interchanges and parcel depth required to establish developable industrials parcels, provide the infrastructure to support future industrial development and to allow the subarea to be master planned in a comprehensive manner. The amount of land in subareas 2 and 3 is related to and reflects the area already committed to development.

The long-term economic, social, environmental and energy consequences of allowing urban scale development in the Subareas 1, 2 and 3 are all positive. Economically, Subarea 1 is an ideal location for urban scale warehouse and distribution uses. The location of businesses like the FedEx terminal (to the east side of me-82) and the Wal-Mart distribution center (in Hermiston, a short distance east of the area) readily attest to that. Given its locational advantages, this site has statewide significance for job creation. Socially, new industries in the area would improve the local economy and thereby benefit the local population and help to off-set jobs lost with the closure of the Depot. Moreover, the location of these industrial uses in very close proximity to freeway interchanges would mean that the associated truck traffic can avoid residential and commercial areas where it could create conflicts. The proposed Depot Industrial zone will be adjacent to an approximately 5,678 acre Wildlife Habitat area designated to protect the shrub-steppe habitat. While a final decision on what agency/entity will own/manage/maintain the habitat hasn't been made at this time – the LRA, Morrow and Umatilla Counties and the Confederated Tribes have all committed to Depot Plan District designations for the site? Additionally, the requirement to prepare a general master plan prior to development in Subarea 1 will provide the opportunity to specifically address the transition between industrial and habitat use areas. Finally, the energy advantages of siting urban scale warehouse and distribution uses with immediate access to two interstate freeways are obvious.

Subarea 2 is bounded on three sides by the area that will be transferred to the Oregon National Guard – the Depot Industrial zone only allows warehouse and distribution uses in this exception area. Therefore, the uses that will be allowed in the exception area are "limited" – but exceptions to Goals 11 and 14 are justified to provide the flexibility for future development of warehouse buildings larger than 40,000 square feet. As noted

earlier, the American Red Cross currently uses at least five concrete igloos on the Depot site for storage of emergency supplies. The Red Cross has been coordinating with the LRA and intends to consolidate and expand this use into storage warehouse(s) located in Subarea 2. The Depot is one of only three Red Cross disaster field supply centers on the West Coast (the others are in Reno and Los Angeles). The agency is refining its focus and hoping to boost its stores at the depot to be ready for a major disaster. The Red Cross is working with Oregon Emergency Management and the Federal Emergency Management Agency to make sure enough emergency supplies and trained volunteers are in place should an earthquake and tsunami hit.

The LRA and Umatilla County understand that 184 acres of Subarea 3 (excluding the deed restricted area) will be suitable for industrial uses following all decommissioning in accordance with permit conditions. The LRA and Umatilla County would like to utilize and leverage the substantial federal investment ($700 million) in the UMCDF site to accommodate appropriate industrial uses after the land is transferred out of federal jurisdiction.

Compared with the prior use, potential future industrial uses would be anticipated to have even fewer long-term environmental, economic, social and energy consequences. Standard Umatilla County Zoning Ordinance provisions that are implemented in other industrial zones (Limitations on Use and Design Review) will also apply in the Depot Industrial Zone. These provisions will provide the opportunity for the County to review new site development for compliance with standards and specific conditions may be imposed, if necessary, to reduce adverse impacts associated with specific industrial development. The amount of land included is appropriate because it is the amount of land in this subarea that is being decommissioned and needs to be planned and zoned for other uses, and because the presence of urban scale uses and facilities on the site warrants its retention for new urban scale industrial uses.

OAR 660-014-0040(3) (c): *"To approve an exception under section (2) of this rule, a county must also show: * * *.*
(c) That Goal 2, Part II(c)(4) is met by showing that the proposed urban uses are compatible with adjacent uses or will be so rendered through measures designed to reduce adverse impacts considering:
"(A) Whether urban development at the proposed site detracts from the ability of existing cities and service districts to provide services; and
"(B) Whether the potential for continued resource management of land at present levels surrounding and nearby the site proposed for urban development is assured;"

Findings for Subareas 1, 2 and 3:
Allowing urban scale industrial uses in the three subareas of the Depot Industrial Zone should not pose any compatibility problems with adjoining properties, for several reasons. First and foremost, industrial uses typically are not incompatible with agricultural practices and there are many examples in Umatilla and Morrow County where the two uses co-exist, particularly around developed Port industrial parks. Second, the Umatilla Army Depot has operated at this location for more than 70 years and many of the uses can be characterized as "industrial" in character, including but not limited to the multiple warehouse structures and the chemical

disposal facility. Accordingly, allowing urban scale industrial developed in the undeveloped Subarea 1 and the land in subareas 2 and 3 already committed to development should have no significant adverse impact in terms of use compatibility.

Approval of this Goal 14 reasons exception should have no adverse impact on the ability of existing cities and service districts to provide services. This has not been an issue for the many existing urban-scale uses in the Westland Road area (including the Fed Ex facility), and there is no good reason to believe it would be an issue for new uses. Urban level infrastructure (particularly power, natural gas and communication facilities) are already available to Subarea 3, therefore, future industrial development at this location will not detract from the ability of existing cities and service districts to provide services.

Because industrial uses and farming are generally compatible, approval of the Goal 14 and Goal 11 reasons exceptions for the three subareas also should have no adverse effect on the continued resource management of nearby lands designated and zoned for resource uses. And given the nature of the kinds of industrial development that would be permitted in this area, it is likely that an appropriate level of public facilities and services can be provided in a timely and efficient manner. It is noted that the Depot site is a designated critical groundwater area. Consistent with that designation, urban industrial uses in the area would be limited to those that are (1) not heavily water dependent, or (2) rely on an existing water supply.

All three subareas abut the area designated for Wildlife Habitat protection for at least a portion of the respective subarea boundaries. It hasn't been determined yet what agency/entity will own, maintain and manage the habitat area. However, it is anticipated that Umatilla County (and Morrow County) will ultimately apply zoning to the areas designated for habitat area, unless ownership remains with the federal government. Umatilla County finds that an "urban" level of use and development associated with the construction and operation of the UMCDF has not detracted from the habitat and wildlife values surrounding or adjacent to the three subareas. Indeed, the County finds that industrial uses are often located in close proximity to wildlife areas. Additionally, the County finds that more active military training activities will be occurring further to the west of Subareas 2 and 3, in Morrow County.

Through the Design Review process that will be required for any new industrial development in the Depot Industrial zone, the County will have an opportunity to review site plans and impose appropriate conditions, if necessary, to assure compatibility with wildlife habitat and military uses. This could include additional setback or landscape and buffering requirements.

OAR 660-014-0040(3) (d): *"To approve an exception under section (2) of this rule, a county must also show: * * *.*
(d) That an appropriate level of public facilities and services are likely to be provided in a timely and efficient manner;"

Findings for Subareas 1, 2 and 3: As described earlier, the available transportation infrastructure is the key factor that makes the Depot site in general and Subarea 1 in particular so attractive and

uniquely suited to urban freight distribution, warehouse and logistics uses. With the exception of the modern infrastructure constructed to serve the UMCDF (Subarea 3) in the past ten years, the LRA and Umatilla County recognize that other infrastructure at the Depot site is old and substandard. Development of urban industrial uses in Subareas 1 and 2 will require new and upgraded infrastructure, including but not limited to power, on-site or package sewer systems, upgraded internal roadways and water facilities. It is noted that the Depot site is a designated critical groundwater area. Consistent with that designation, urban industrial uses within the CGWA's would be limited to those that are (1) not heavily water dependent, or (2) rely on an existing water supply. The provision of public services will generally be provided in conjunction with development as it occurs. The LRA is considering financing options to provide certain priority infrastructure in advance of development.

As described earlier, substantial "urban" level infrastructure has been constructed within the last ten years to accommodate the UMCDF use. This includes, but is not limited to, a power substation, redundant power facilities, natural gas, extensive communications facilities and on-site sanitary sewer, water and storm water facilities. By taking exceptions and designating the three subareas for urban-scale industrial uses, Umatilla County is leveraging the efficient utilization of existing infrastructure in support of local and regional objectives to enhance the area's portfolio of industrial lands to support job creation.

In 2008, the Oregon Legislature passed Senate Bill 1069, which provided much-needed state funding for a regional aquifer recovery assessment. The legislation directed OWRD to conduct a feasibility study to evaluate the potential for diversion of surface water flows from the Columbia River for the purpose of recharging aquifers in the Umatilla Basin. The legislation also directed OWRD to identify opportunities for the aquifer recharge project to benefit fish and fish habitat by increasing flows in the lower Umatilla River.

The proposed project would divert water from the Columbia River during the month of October and the months of December through March and convey the water to recharge a large shallow alluvial aquifer. To the extent possible, it is hoped that water can be diverted and conveyed using existing pump stations, pipelines and canals. The primary uses of recharged water would be irrigation, in-stream flow enhancement and aquifer restoration (Western Water Law Article (January 2010), "Full Steam Ahead for the Umatilla Basin Aquifer Restoration Project," written by Shonee D. Langford).

Following completion of the feasibility study, Oregon HB 3369 passed in 2009 providing $2.5 million in lottery backed grants to build a test Aquifer Recharge project using winter Columbia River water. The aquifer recharge project was constructed directly south of the Ordnance Chemical Depot in Morrow County. Groundwater monitoring shows that the bulk of the water recharged south of the Depot travels in a north/northeasterly direction under the depot, building up the aquifer from a level of 60-80' below land surface to 30-40' below land surface. This has led the basin to consider using the recharge project for use on lands directly above the aquifer, including the Depot.

Under Oregon law, water stored using the aquifer recharge project is considered

potable. The design capacity of the current system can reliably be run as follows:

- Allows for 24.06 cfs (47.6 af/day) rate (Actual flow capacity is 31 cfs)
- 120 days = 5,716 acre-feet (af)
- Recoverable = 4,859 af
- 2,000 af predicted to be used for irrigation
- 2,859 af available
- Enough capacity to guarantee 1,000 acres of full irrigated demand (which is highest water use) under current license limitations or enough water to satisfy industrial needs of between 2.5 million to 4.5 million gallons per day (data provided by the Umatilla Water Basin Commission)

OAR 660-014-0040(3) (e): *"To approve an exception under section (2) of this rule, a county must also show: * * *.*
*"(e) That * * * establishment of new urban development on undeveloped rural land is coordinated with the comprehensive plans of affected jurisdictions and consistent with plans that control the area proposed for new urban development."*

Findings for Subareas 1, 2 and 3: Because the Umatilla Army Depot has been under federal jurisdiction – the Morrow and Umatilla County Comprehensive Plans have never controlled development in the 17,000 acre area. Umatilla County and the Umatilla Port District have been actively involved in planning for reuse of the Umatilla Army Depot for decades.

Surrounding jurisdictions such as the cities of Irrigon, Hermiston, and Boardman and, to some extent, Pendleton have received notices of meeting related to future use of the Depot site. Information on future plans has been made available to affected jurisdictions and agencies. The city of Irrigon has attended many of the LRA meetings.

Planning for the Umatilla Army Depot is consistent with the discussion of Federal lands in the Umatilla County Comprehensive Plan:

The federal government owns approximately 400,000 acres of land in Umatilla County (excluding Reservation and Tribal Trust lands), under the jurisdiction of several agencies (Forest Service, BLM, Army, Corps of Engineers, BOR, etc.) comprising almost 20% of the total land area. The largest single federal government owner is the Forest Service, with approximately 375,000 acres.

Although the county has little jurisdiction over federal lands, a mechanism must be developed to insure immediate and proper land and zoning designation of any former federal land that comes under county jurisdiction due to land exchange, sale or consolidation activities. Therefore, all federal lands shall be assigned the plan and zoning classifications common to the area in which the property is located and shall be subject to said regulations immediately upon removal from federal jurisdiction.

However, due to the size of the areas involved, the Forest Service land (National Forest) shall not be "overlaid" by county plan and zoning classifications, but shall be subject to the above policy should any land be removed from federal jurisdiction. (Emphasis added).

Umatilla County leaders have consistently supported designating this area of the Depot site for future industrial use as the key development opportunity site for the entire Depot. Umatilla County, regional and state

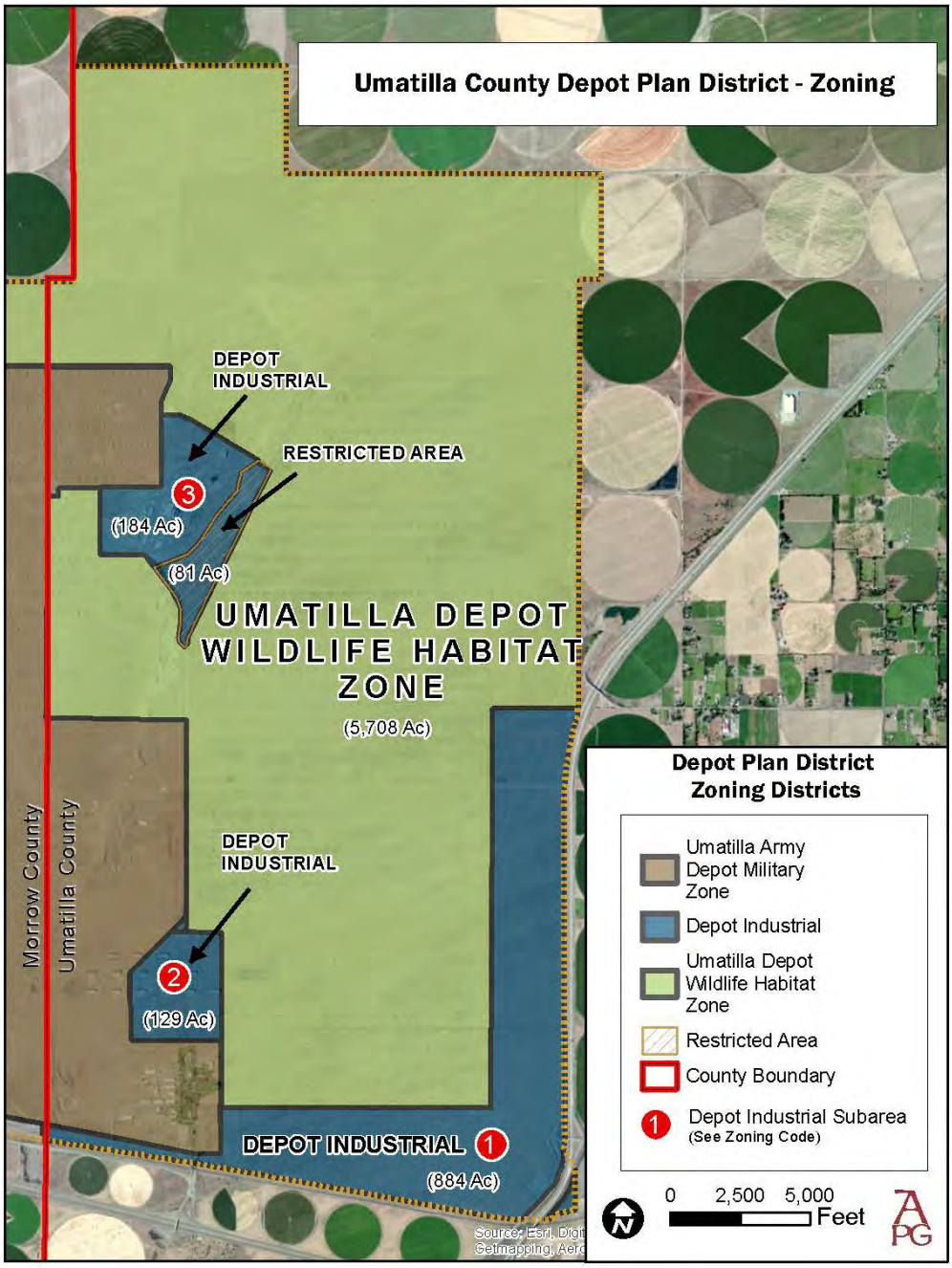
leaders have recognized this area of the Depot as an industrial site or regional and statewide significance for more than 20 years.

Angelo Planning Group worked with the Morrow and Umatilla County Planning Directors to evaluate existing industrial zones in the both County Zoning Ordinances for applicability to the Depot industrial sites In Morrow County, minor adjustments to the County's existing Port Industrial Zone were identified. In Umatilla County, a decision was made to develop a new zone, the Depot Industrial Zone, to apply to the three subareas identified for goal exceptions. This approach provided the opportunity to tailor broad categories of uses to the unique characteristics of the three subareas. Additionally, by creating a new industrial zone applicable only to the Depot – the county would not be revising existing industrial zones that are applicable in other areas of Umatilla County. The proposed Depot Industrial zone was reviewed by the LRA at the May, 2013 meeting and the LRA recommended proceeding with the new zone. The subsequent amendment to the retail component of the Depot Industrial zone was approved at the July 2013 LRA meeting.

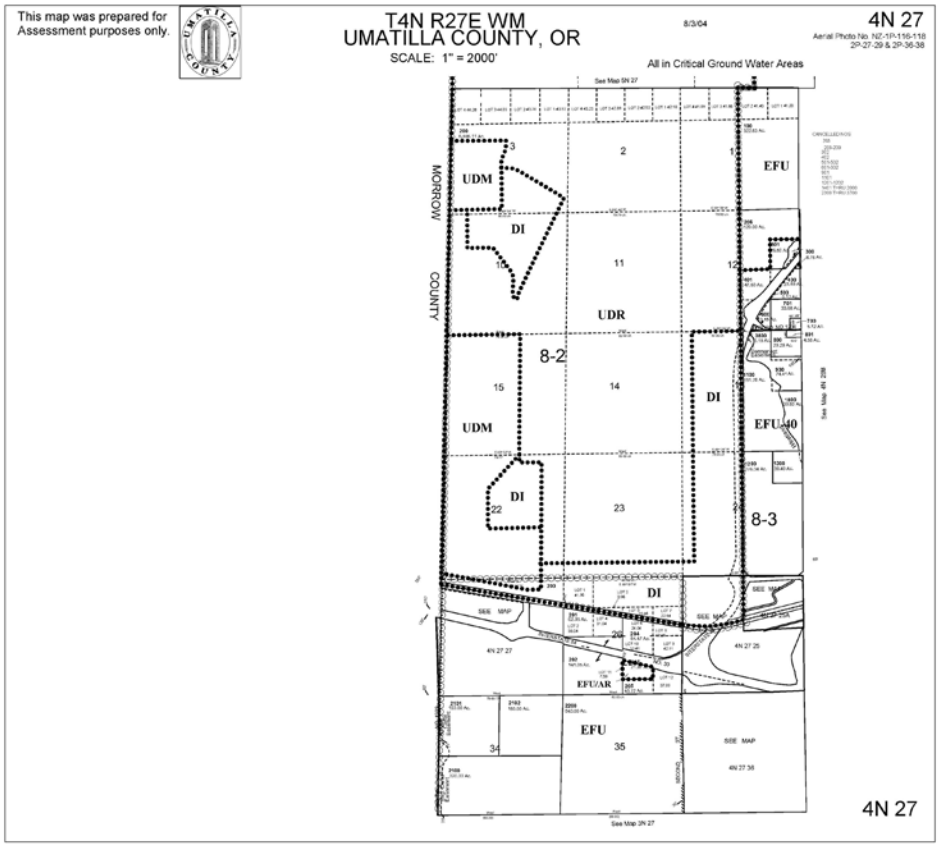
Therefore, as part of the public review and adoption process for exceptions to Goals 11 and 14, the Depot Industrial Zone will be implemented when Subareas 1, 2 and 3 are transferred out of federal jurisdiction.

Summary

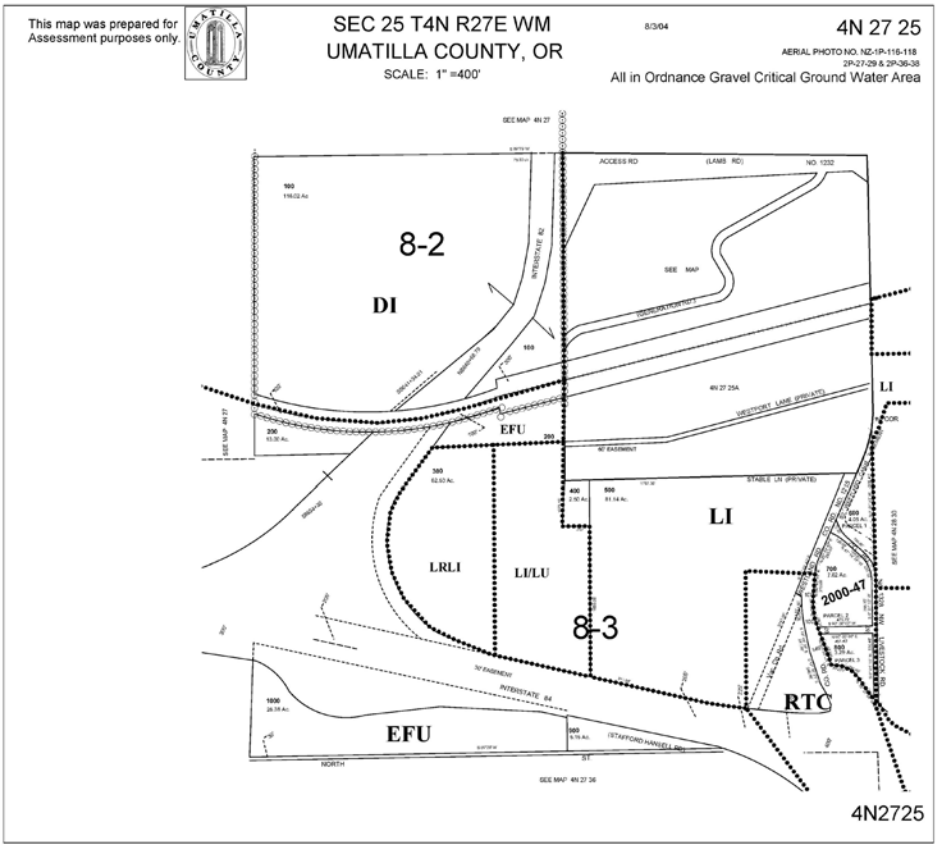
For all of these reasons, the Depot Industrial exception areas comply with the relevant exception standards in OAR 660-014-0050 and exceptions to Goals 11 and 14 are justified.



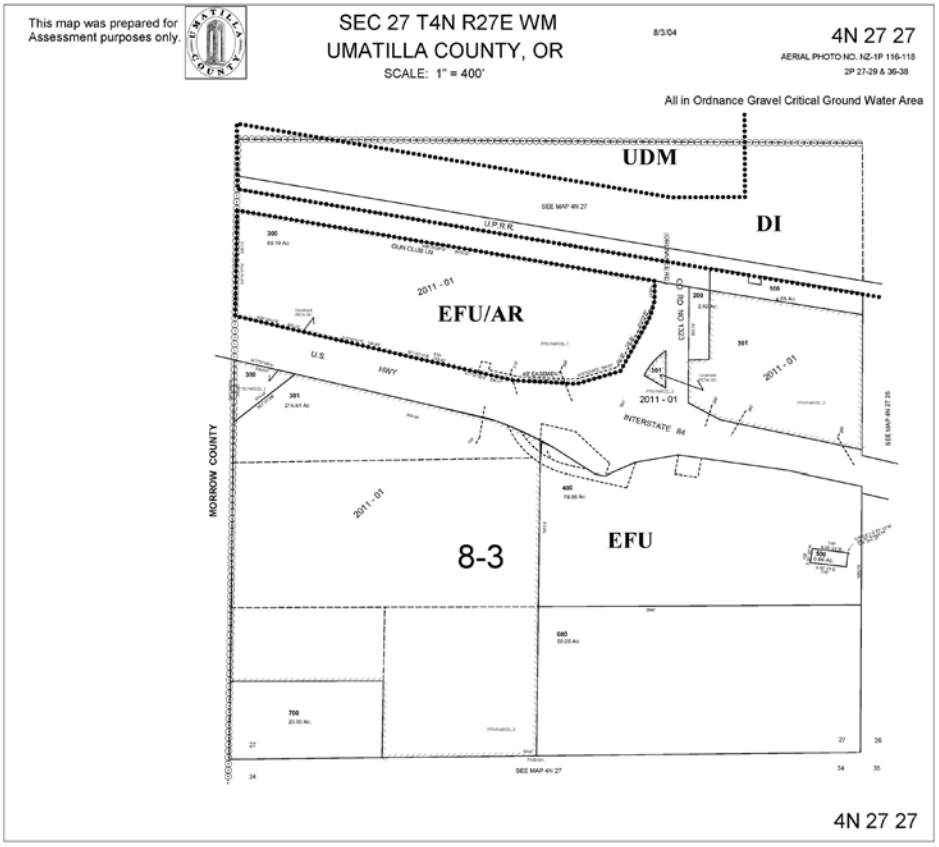
Map 18-94 – Depot Plan District Zoning Districts



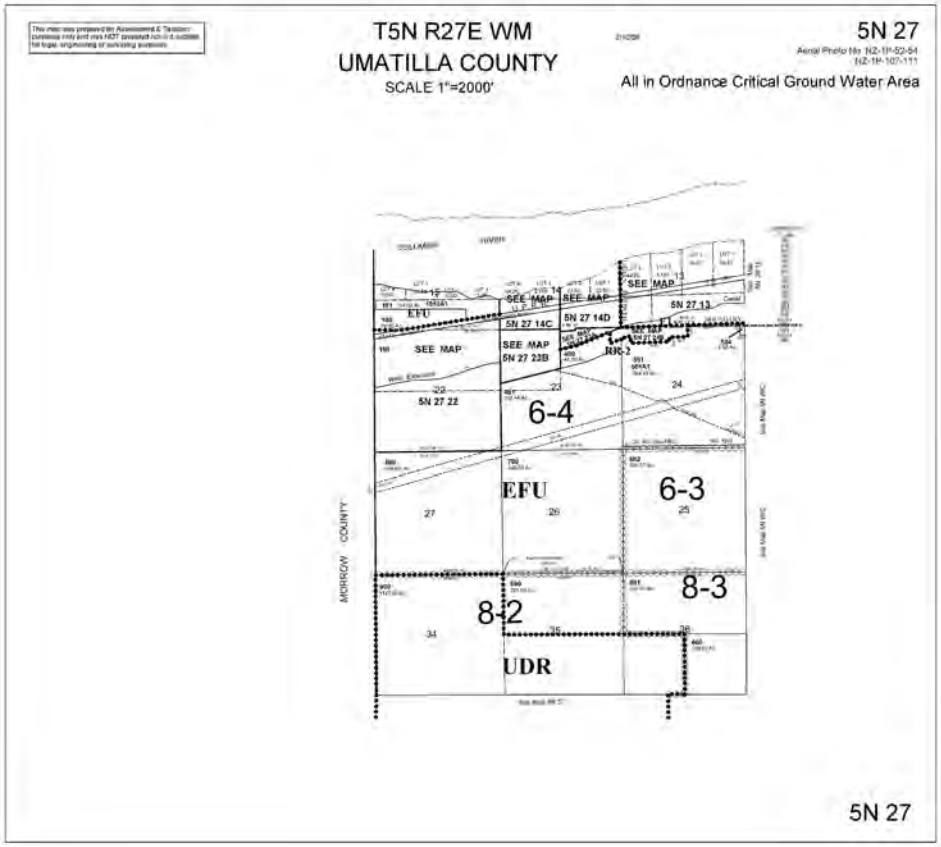
Map 18-95 – Depot Zoning by Tax Lots – T4N, R27E



Map 18-96 – Depot Zoning by Tax Lots – T4N, R27E, Range 25



Map 18-97 – Depot Zoning by Tax Lots – T4N, R27E, Range 27



Map 18-98 – Depot Zoning by Tax Lots – T5N, R27E

(Ord. 2014-06, passed July 2, 2014)

Exception for Cities of Umatilla and Hermiston sewer line extension to Umatilla Army Depot

Under the current federal ownership, the land is not subject to Goal 11 (because federally-owned property is not subject to Oregon's statewide planning goals), and thus is clearly covered under OAR 660-011-0060 (9) (b). However, the base is expected to transfer out of federal ownership within the year.

Because an exception to Goal 11 has already been approved for the Depot that would allow on-site development of urban-scale sewer facilities, the proposed sewer pipe will still be connecting two areas where sewer facilities are permitted under Goal 11, as allowed under OAR 660-011-0060 (9) (b) and OAR 660-011-0060 (3) (B). In *Debby Todd v. City of Florence*, LUBA No. 2006-068, LUBA held that:

> The policy underlying Goal 11 seems little offended by allowing a single sewer system to serve two adjoining areas that each have the legal right and practical ability to develop urban uses and urban-level sewer facilities, notwithstanding that one area is within a UGB and the other outside the UGB.

Given the *Debby Todd v. City of Florence* decision, providing a sewer connection from within a UGB to a nearby area outside the UGB but also authorized for urban sewer service as a result of prior goal exceptions is an appropriate reason to justify an exception to Goal 11 for the extension of sewer service to the Depot.

The LUBA decision in *Debby Todd v. City of Florence* also suggest that it is not necessary to demonstrate that it is unreasonable to provide separate sewer treatment facilities for adjacent areas, each of which is authorized for urban sewer service, rather than to serve them with a single system. However, the rational and justification for extending sewer from the City rather than treating sewer on-site at the Depot is given below.

As described in the background, the Depot has an existing localized sewage treatment system that was used by the military facilities on the site. An Infrastructure Assessment done as part of creating a redevelopment plan for the Depot (U.S. Army Umatilla Chemical Depot Base Redevelopment Plan, Umatilla Army Depot Reuse Authority, August 2010, Section A, Part II: Section 2.3) included the following key findings:

> The Depot facility sanitary waste water system is a localized system. It consists of a combination of localized [Imhoff] septic tanks and drain fields. … The system is capable of handlin the current existing [sic] load by may not be capable of handling significant changes in capacity if needed by reuse alternatives.
>
> The system seems to be adequate at the current loading density, … but would very likely not tolerate a significant influx of industrial components to the waste stream.
>
> Renovation and expansion of the current sanitary waste systems, other than required maintenance and permitting work, would not be considered economically or functionally feasible due to the age of the Imhoff systems. Other local septic systems on the facility should

likely not be expanded beyond their current design loading in order to maintain compliance with standards in place when they were installed.

Should the population of the facility significantly increase or industrial or process systems installed at the facility, a new sanitary sewer treatment facility, with new transfer piping and infrastructure would be recommended. A new system could be sized to handle all Umatilla depot loading, as well as to handle potential expansion from other sources. This would be the most flexible and most costly option, but would provide a sanitary waste system for the long term, instead of a limited use of the present system.

In addition to the infeasibility of renovating or expanding the existing on-site treatment system to serve industrial uses, there are groundwater concerns in the area. The Army Depot property, including the industrial land proposed to be served by the municipal wastewater lines, is located within the Lower Umatilla Basin Groundwater Management Area (LUBGWMA). The LUBGWMA was designated by the Oregon Department of Environmental Quality (DEQ) in 1990 due to the high nitrates in the groundwater. Many areas within the LUBGWMA exceed federal drinking water standards for nitrate. The comprehensive report leading up to the GWMA designation identified five sources of contamination. One source was, and continues to be, nitrates leached from underground septic systems. This is noteworthy in this case because the proposed municipal wastewater line would be the only alternative to septic disposal for future development of the industrial lands. In other words, if the municipal line does not dispose of wastewater, future development would be served by numerous on-site septic systems. For some 20 years, a local committee, together with the DEQ staff, have worked to implement an Action Plan designed to remediate the high levels of nitrates. The progress is very slow. Steps are small and incremental. Allowing the Army Depot lands to be served by a municipal system and therefore avoiding further groundwater contamination from additional, new septic systems contamination, will go a long way to foster the goal of minimizing nitrate contribution to the groundwater in the area.

City of Umatilla

Give the difficulties of upgrading the existing on-site facilities to serve the planned (and acknowledged) industrial uses on the property, the groundwater concerns in the area, and the costs associated with constructing an entirely new sewer treatment facility, the CDA approached the City of Umatilla to determine whether it would be feasible to extend City sewer service to the site. The City has indicated that it has adequate capacity to serve the planned land uses at the Depot.

The City has reviewed the potential industrial area and zoning within the CDA and flow projections developed for Camp Umatilla by the Oregon National Guard undergoing Goal 11 exception. The City's key sewer facilities have the ability and capacity to accept wastewater from the CDA and from the Oregon National Guard (Camp Umatilla).

Further, as a public entity the City has the managerial and technical capacity to manage the wastewater generated from this area in accordance with State rules and regulations.

The City identified a suitable connection

point roughly 2.6 miles away from the Depot (as the crow flies), and several potential alignments for a new sewer line.

The land between the Umatilla City limits and the Depot is zoned EFU. There is no reasonable route between the two that would not require a new exception.

Several alternative alignments were considered in selecting proposed alignment. The exception applies to the final route sewer pipe alignment. The length of the alignment that extends outside the City of Umatilla UGB to the Depot property is 17,146 feet.

The "I-84 Route" was dismissed because it is significantly longer that the other alternatives, making it less efficient. The "Radar Road" and Potato Land" routes were dismissed because they have greater impacts to active farm operations on private property than the preferred alignment. The proposed alignment remains within or abutting the City of Umatilla UGB for as long as possible before crossing into EFU zoning. It was selected as the least impactful to farm operations while maintaining an efficient route. Of the portion of the alignment outside the City of Umatilla UGB, 7,856 linear feet are within the public right of way of Powerline Road. The portion that crosses private land (roughly 9,290 linear feet) avoids irrigated areas and aligns with an existing farm vehicle pathway between fields. This portion will be contained within an easement up to 40 feet in width.

In negotiation the details of the easement and sewer line construction with the property owner, the City of Umatilla is committed to include measures to further minimize disturbing farm operations, such as timing construction to avoid disturbing crops, planting, and harvest activities; providing on-going access rights for the property owner to ensure the ability to continue existing farm uses within the easement; and constructing the line underground at a depth that will avoid impacts to farming operations.

This demonstrates that the proposed facility will be compatible with the adjacent farm uses.

- Environmental consequences: The proposed alignment does not affect any significant natural resources. The environmental consequences of the sewer extension are anticipated to be minimal. It also avoids a small drainage way that would be crossed by some of the alternatives considered. There are no known significant Goal 5 resources along the proposed route.

- Social consequences: The extension of the sewer line is not anticipated to have any social impacts in any of the alternatives considered.

- Economic consequences: The cost of the sewer extension and any needed improvements to the existing system to accommodate the additional wastewater flows will be funded by the CDA, so there will not be an economic impact to the City of Umatilla. Keeping cost low will facilitate development at the Depot, which will have a positive economic impact on the broader area, as discussed in the findings for the goal exception for the Depot itself. The property owner will be compensated for the value of the easement, ensuring a neutral or positive economic impact to the property owner.

- Energy consequences: By minimizing the length of the pipe relative to other alignments, the proposed alignment minimizes the resources and energy required for installation of the sewer line.

This demonstrates that the proposed alignment does not have significantly more adverse impacts than other potential alignments.

As long as the Umatilla Army Depot property included in the adopted Army Depot Plan District remains outside the City of Umatilla's urban growth boundary, only those uses permitted in the Umatilla County and/or Morrow County Comprehensive Plan Goal exceptions for the Depot property shall be allowed to connect to the City's sewer system.

With this policy, the extension of a sewer line between the City of Umatilla UGB and the Umatilla Army Depot exception area meets the requirement that the sewer facility justified in this exception will only be used for the purpose justified in this exception, and will only serve the uses that have been justified in the prior Goal exception for the Depot property.

City of Hermiston

Given the difficulties of upgrading the existing on-site facilities to serve the planned (and acknowledged) industrial uses on the property, the Groundwater concerns in the area, and the cost associated with constructing an entirely new sewer treatment facility, the CDA has explored the potential to extent City sewer service to the site from the City of Hermiston. The City identified a suitable connection point roughly 3.25 miles away from the Depot (as the crow flies), and several potential alignments for a new sewer line.

The City has evaluated the potential impact of the additional flows to key components of the existing system. Existing Lift Station No. 8, which the new line from the Depot would connect to has roughly 40% of its existing capacity remaining, and can accommodate the additional flows from the Depot based on employment levels projected. The City's Recycled Water Treatment Plant (RWTP) also has sufficient capacity to handle the anticipated flows from the Depot.

The land between the Hermiston City limits and the Depot is zoned for a mix of Rural Residential (RR), Exclusive Farm Use (EFU), and Light Industrial (LI). However, Goal 11 and its implementing rules do not distinguish between sewer extensions outside the UGB that cross EFU land verses those that cross land with approved exceptions to Goals 3 and 4, unless that land also has an approved exception to Goal 11. In this case, regardless of the alignment selected and the intervening zoning, the sewer line will need to extend across land outside the UGB that is not eligible for sewer service in order to connect to the Depot, which is eligible for sewer service.

Both potential alignments outside the UGB are contained almost entirely within public right-of-way. For portions of the alignment within public right-of-way, construction impacts will be limited to the right-of-way, and the sewer line will be underground (except where it crosses the Umatilla River) so there will not be short-term or long-term impacts to the adjacent uses.

Potential impacts to private property are summarized below:

Preferred Alignment (Bridge Road alignment/Option 2): The only location that will cross private lands for the preferred route is in the immediate vicinity of the I-82 crossing, where it will cross a property owned by Westland Irrigation District. The property is zoned EFU. The total size of the affected property is 47.5 acres; however, the impacted area is a small, oddly-shaped area at the southern end of the property that is nearly separated from the rest of the property by the highway overcrossing right of way. This area is not irrigated or farmed due to its shape. The impact will be limited to a brief construction impact and establishment of an access and maintenance easement, which will only limit development of structures within the easement, but not farming activities or operations. (the preferred alignment inside the UGB, which is not the subject of the goal exception, would cross urbanizable private property; this alignment was selected because it reduces the length of force main needed and allows for more logical and efficient sewer service to the affected property when it is annexed and developed.)

Westland Road Alignment (Option 1): This alternative remains entirely within public right-of-way and does not cross private property.

The I-82 crossing will be made by boring or similar method regardless of the crossing location. There will be no impact to the operation of the highway in either case.

This demonstrates that the proposed facility will be compatible with the adjacent uses.

The preferred alignment has slightly more impact to private property than the other alternatives; however, the impacts are negligible and do not affect areas outside the UGB that are actively farmed. The impacts are not significantly more adverse than other locations that also require an exception.

Environmental, Social, Economic and Energy Consequences

The two potential alignments have similar environmental, social, economic and energy consequences, as summarized below.

- Environmental consequences: Both potential alignments cross the Umatilla River at the location of the existing Bridge Road crossing. There is no route between the City of Hermiston and the Depot that would not require a river crossing. By crossing at the location of an existing bridge, impacts to the stream will be minimized. The sewer line would daylight just prior to the bridge and be hung on the side of the bridge, taking advantage of the existing infrastructure and minimizing disruption to the river and the adjacent riparian area. All work associated with crossing the Umatilla River would occur above the ordinary high water elevation, and care would be taken to minimize riparian area disturbance. This work would be closely coordinated with regulatory agencies to minimize environmental impacts.

- Social consequences: The extension of the sewer line is not anticipated to have any social impacts with any of the alternative considered.

- Economic consequences: The cost of

the sewer extension and any needed improvements to the existing system will be funded by the CDA, so there will not be an economic impact to the City of Hermiston. The preferred alignment would provide better sewer accessibility for industrial development west of I-82 as wastewater could gravity flow from industries as opposed to installing expensive lift stations. Keeping costs low will facilitate development at the Depot, which will have a positive economic impact on the broader area, as discussed in the findings for the goal exception for the Depot itself.

- Energy consequences: Both alignments involve a mix of gravity flow and use of pump stations to convey sewage to the existing system in the City of Hermiston; however, the preferred alignment (Option 2 routed down Highland Avenue) allows for a shorter length of forced sewer main, and more logical and efficient delivery of gravity sewer service to the urbanizable parcel crossed within the City's UGB. This reduces the energy needs for the City's sewer system and supports an orderly and efficient provision of public facilities inside the City's adopted UGB. As noted above, it also allows gravity service from potential industrial development west of I-82, eliminating the need for additional lift stations to serve that area, which would require more energy to operate.

The discussion above demonstrates that the proposed alignment does not have significantly more adverse environmental, social, economic and energy consequences than other potential alignments outside the UGB.

The city of Hermiston may extend sewer service to the Umatilla Army Depot property included in the adopted Army Depot Plan District. Properties abutting the sewer line between the Umatilla Army Depot and the City of Hermiston urban growth boundary are not permitted to connect to the City's sewer system as long as they remain outside the urban growth boundary. In addition, only those uses on the Army Depot site that are permitted in the Umatilla County and/or Morrow County Comprehensive Plan Goal exceptions for the Depot property and any uses located on federal land, which is not subject to Goal 11, shall be allowed to connect to the City's sewer system.

With these policies, the extension of a sewer line between the City of Hermiston UGB and the Umatilla Army Depot exception area meets the requirement that the sewer facility justified in this exception will only be used for the purpose justified in this exception, and will only serve the uses that have been justified in the prior Goal exception for the Depot property.

(Ord. 2017-09, passed June 7, 2017)

Chapter 19. DEFINITIONS

AGRICULTURAL LANDS - Land of predominately Class I, II, III, IV, V, and VI soils as identified in the Soil Capability Classification system of the United States Soil Conservation Service, and other lands producing products through specialized local expertise.

AGRICULTURAL LAND CAPABILITY CLASSIFICATION - System used by the United States Soil Conservation Service to categorized lands according to their ability to support various crops, vegetation, etc. Ratings ranged from I to VIII, with I referring to the best possible agricultural land.

CARRYING CAPACITY - Level of use which can be accommodated and continued without irreversible impairment of natural resources productivity, the ecosystem and the quality of air, land and water resources.

CITIZEN - Any individual within the planning area; any public or private entity or association within the planning area, including corporations, govermental and private agencies, associations, firms, partnerships, joint stock companies and any group of citizens.

COMMERCIAL FOREST LANDS - Land that has not been reserved or deferred and which is capable of producing a minimum of 2 0 cubic feet of timber per acre per year without being managed by man.

COMMERCIAL LANDS - Land where goods and services are offered for exchange.

COMPREHENSIVE PLAN - See introduction for statutory definition.

CONSERVATION - The act of conserving the environment.

CONSERVE - To manage in a manner which avoids wasteful or destructive uses and provides for future availability.

DEVELOP - To bring about growth or availability; to construct or alter a structure; to conduct a minimum operation; to make a physical change in the use of appearance of land; to divide land into parcels; or, to create or terminate rights of access.

DEVELOPMENT - The act, process or result of developing.

DEVELOPMENT STANDARDS - Measures established to implement the Comprehensive Plan including, but not limited to Zoning and Subdivision Ordinances, Capital Improvement Programs and Housing/Building Code.

ENCOURAGE - Stimulate; give help to; foster.

FINDING - Conclusions drawn from evaluation of a set of data.

FOREST LANDS - Lands composed of existing and potential forest lands which are suitable for commercial forest uses; other forested lands needed for watershed protection, wildlife and fisheries habitat and recreation; land where extreme conditions of climate, soil and

topography require the maintenance of vegetative core irrespective of use; other forested lands in urban an agricultural areas which provide urban buffers, wind breakers, wildlife and fisheries habitat, livestock habitat, scenic corridors and recreational use.

GOAL - A statement of a desired condition or circumstance to be achieved at some point in the future.

IMPACT - The consequences of a course of action; effect on a goal, guideline, plan or decision.

INDUSTRIAL LANDS - Land where processing activities convert materials into new forms or products.

INSURE - Guarantee; make sure or certain something will happen.

INTENSIVE - As used in "less intensive"; refers to the magnitude of use of given acre of land, or impact placed on that land. Open pasture land is being used less intensively than developed land on which dwelling units are located, for example. Land values generally reflect this. More intensively-used parcels are valued higher for property tax purposes.

LAND-USE CLASSIFICATIONS - The underlying, plan-identified, general land use toward which implementing measures (e.g. zoning) are directed.

JOINT MANAGEMENT AGREEMENT - A city-county implementation agreement enabling County jurisdictional action designed to achieve city determined land patterns outside corporate limits and within the Urban Growth Boundary.

MAINTAIN - Support, keep, and continue in an existing state or condition without decline.

NATURAL RESOURCES - Air, land and water and the elements therefore which are valued for their existing and potential usefulness to man.

PLANNING AREA - The air, land, and water resources within the jurisdiction of a governmental agency.

POLICY - A statement of method or approach used to achieve a goal, or move toward it; implies making decisions in line with the policy.

POLLUTION - The violation or threatened violation of applicable state or federal environmental quality statutes, rules, and standards.

PRESERVE - To save from change or loss and reserve for a special purpose.

PROGRAM - Proposed or desired plan or course of proceedings and action.

PROTECT - Save or shield from loss, destruction, or injury or for future intended use.

PUBLIC FACILITIES AND SERVICES - Projects, activities, and facilities which the planning agency determines to be necessary for the public health, safety and welfare.

QUALITY - The degree of excellence or relative goodness.

RECOMMENDATION - A suggested course of action intended to carry out a policy, resolve problems,

improve on good situations, etc.

RESOURCE LANDS - Lands defined by ORS 215.2 03 or lands used consistent with the definition of Forest Lands in Statewide Planning Goal #4 Forest Lands.

RURAL FACILITIES AND SERVICES - Facilities and services which are determined to be suitable and appropriate solely for the needs of rural use.

RURAL RESIDENTIAL LANDS - Land area outside of an urban growth boundary suitable for rural/small farm acreage homesites and served by rural public facilities and services.

SOCIAL CONSEQUENCES - The tangible and intangible effects upon people and their relationships with the community in which they live resulting from a particular action or decision.

SPECIAL STUDY AREAS - Areas which due to their water and soil characteristics and existing and potential residential development present special water quality and road coordination problems.

STRUCTURE - Anything constructed or installed or portable, the use of which requires a location of a parcel of land.

URBAN LAND - Urban areas are those places which are within an incorporated city.

URBANIZABLE LAND - Urbanizable lands are those lands within the urban growth boundary and outside of corporate city limits and:

(a) Determined to be necessary and suitable for future urban uses;
(b) Can be served by urban services and facilities;
(c) Are needed for the expansion of an urban area.

ZONE - The specific land use designation employed to implement plan policies and land use classifications.

Chapter 20. APPENDIX

ATTACHMENTS

A. P-022 Findings and Fact and Conclusion of Law
B. Forest Service Letters - August 13, 1980
C. Umatilla Electric Coop. Letter - June 9, 1981
D. Soil Interpretation Sheet - Anatone, 215D
E. Cross Chronology - June 19, 1981
F. Ball, Janik and Novack Letter - Sept. 20, 1982
G. Motion for Dismissal
H. Edwards Letter - April 5, 1984
I. DEQ Report - Cross Property
J. Cross Properties Expenditures - April 9, 1984
K. Harris - Tollgate Property - No date
L. Soil Interpretation Sheet (Fisk Sub-Area) - 210B, Aquent Series
M. Westland Map, Soils Interpretation - Dev/Committed Land
N. Sheets and letters
O. Columbia and Diagonal Road, Area 4 Map and Soil Sheets
P. Haagen Property letters
Q. Columbia and Diagonal Road, Area 4 Map and Soil Sheets
R. DeMoss Property letter and Testimony - March 8, 1982
S. Kik Property Map and Soil Interpretation Sheets
T. Topography Map; McKay Creek, McKay Reservoir
U. McKay Creek - McKay Reservoir and Soils Interpretation Sheets
V. Pilot Rock Vicinity Maps and Soil Interpretation Sheets
W. O.S.U. Extension Service Letter - Nov 28, 1979
X. MeMotts Property letter
Y. Pendleton Joint Management Agreement
Z. Umatilla Indian Reservation Comprehensive Plan
AA. West County Master Road Plan
BB. Comprehensive Plan Maps
CC. Zoning Maps
DD. Messenger letter - Sept. 18, 1984

1. Forest Service letter - 1985
2. Land Curve Weston Mountain - July 1, 1985
3. Very Limited Access; Land Curve Weston Mt. - July 1, 1985
4. Key Letter - May 28, 1985
5. Fisk Sub-Area - Soil Interpretation Map
6. Meanings Letter - April 12, 1985